

EXHIBIT 4

Jon Batts
January 07, 2019

1

Page 1

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF TEXAS
3 WACO DIVISION

4 JON BATTS,)
5 VS.)
6 REMINGTON ARMS COMPANY,) CIVIL ACTION
7 LLC,) NO. 6:17-CV--00346-ADA
8 Defendant.) [JURY DEMANDED]

9 -----

10 ORAL AND VIDEOTAPED DEPOSITION OF

11 JON BATTS

12 JANUARY 7, 2019

13 -----

14
15
16 ORAL AND VIDEOTAPED DEPOSITION OF JON BATTS,
17 produced as a witness at the instance of the Defendant,
18 and duly sworn, was taken in the above-styled and
19 numbered cause on January 7, 2019, from 11:53 a.m. to
20 3:52 p.m., before Christy Cortopassi, CSR in and for the
21 State of Texas, reported by machine shorthand, at the
22 law offices of McGinnis Lochridge, 2200 Ross Avenue,
23 Suite 4900E, Dallas, Texas 75201, pursuant to the
24 Federal Rules of Civil Procedure and the provisions
25 stated on the record or attached hereto.

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2 to 5

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1	2	3	FOR THE PLAINTIFF:	PROCEEDINGS	
4	5	6	7	8	THE VIDEOGRAPHER: We are on the record at
MR. ROBERT M. MEADOR	Rad Law Firm	Suite 300	11:53 a.m. Today's date is January 7, 2019. This is	12	
8001 LBJ Freeway	Dallas, Texas 75251	972.661.1111	the videotaped deposition of Jon Batts.	13	
Suite 300	rmeador@radlawfirm.com		Will the counsel please state their names	14	
Dallas, Texas 75251			for the record.	15	
972.661.1111			MR. MEADOR: Robert Meador for Jon Batts.	16	
rmeador@radlawfirm.com			MR. CHANEY: I'm Mitchell Chaney. I'm here	17	
FOR THE DEFENDANT REMINGTON ARMS COMPANY, LLC:			for Remington.	18	
9	10	11	12	13	MR. DANEKAS: Steven Danekas also for
MR. MITCHELL C. CHANEY	McGinnis Lochridge	Suite 2100	14	15	Remington.
12	600 Congress Avenue	Austin, Texas 78701	THE VIDEOGRAPHER: Will the reporter please	16	
Suite 2100	512.495.6000	17	18	19	swear in the witness.
Austin, Texas 78701	mchaney@mcginnislaw.com		JON BATTTS,	20	
512.495.6000			having been first duly sworn, testified as follows:	21	
mchaney@mcginnislaw.com			EXAMINATION	22	
13	14	15	16	17	BY MR. DANEKAS:
-AND-	MR. STEVEN E. DANEKAS, Admitted Pro Hac Vice	Swanson Martin & Bell	Q. Mr. Batts, would you please state your full	18	
16	3300 North Wabash	Suite 3300	19	name and spell it?	
Suite 3300	Chicago, Illinois 60611	312.923.8273	20	A. Samuel Jonathan Batts, S-a-m-u-e-l	
Chicago, Illinois 60611	sdanekas@smbtrials.com		21	J-o-n-a-t-h-a-n B-a-t-t-s.	
312.923.8273			22	Q. Mr. Batts, my name is Steve Danekas. I	
sdanekas@smbtrials.com			23	represent Remington in the lawsuit you have filed, along	
18	19	20	24	25	with Mr. Chaney, who is sitting off to your right. We
ALSO PRESENT:	Mr. Kevin Dill, Videographer		are here today to ask you some questions about the		
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25					
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6 to 9

<p style="text-align: right;">Page 6</p> <p>1 A. I am currently employed by SOC, LLC out of 2 Chantilly, Virginia.</p> <p>3 Q. Can you spell the name of that company, please?</p> <p>4 A. S-O-C.</p> <p>5 Q. And what type of business is SOC, LLC?</p> <p>6 A. They are contracted through the State 7 Department to provide security for the Embassy in 8 Baghdad.</p> <p>9 Q. How long have you been employed by SOC, LLC?</p> <p>10 A. Approximately, six months.</p> <p>11 Q. What was your employment prior to that, sir?</p> <p>12 A. I worked for Burlington Northern Santa Fe 13 Railroad.</p> <p>14 Q. For what period of time did you do that, sir?</p> <p>15 A. Approximately, May of 2017 to June 17th of -- 16 or I'm -- July 17th of 2018.</p> <p>17 Q. What did you do for Burlington Santa Fe 18 Railroad?</p> <p>19 A. I was an assistant roadmaster and manager of 20 repair crews for the railroad.</p> <p>21 Q. What was your employment before the railroad, 22 sir?</p> <p>23 A. United States Army.</p> <p>24 Q. Do you currently still reside at 1700 25 Independence Road in Fort Worth?</p>	<p style="text-align: right;">Page 8</p> <p>1 and you said that that company is the contractor for 2 security for the U.S. Embassy in -- did you say Baghdad?</p> <p>3 A. Yes, sir.</p> <p>4 Q. What is your job, what is your specific job and 5 its duties and responsibilities?</p> <p>6 A. I manage the State Department employee guard 7 force.</p> <p>8 Q. In the past six months how much of that -- of 9 your time at SOC, LLC has been abroad?</p> <p>10 A. Slightly over two months.</p> <p>11 Q. Do you know in looking into the next, say, six 12 months to 12 months in that position how much time you 13 will have to spend abroad as -- as opposed to here in 14 the States?</p> <p>15 A. I do not at this time.</p> <p>16 Q. You were in the United States Army from 2005 17 until when, sir?</p> <p>18 A. I was officially retired June 22, 2017.</p> <p>19 Q. What was your official start date of the U.S. 20 Army?</p> <p>21 A. November 30, 2005.</p> <p>22 Q. Thank you for your service, sir.</p> <p>23 A. Yes, sir. Thank you.</p> <p>24 Q. How would you like me to address you today? Is 25 Mr. Batts fine, Sergeant Batts?</p>
<p style="text-align: right;">Page 7</p> <p>1 A. No, sir.</p> <p>2 Q. Where is your current residence?</p> <p>3 A. It's 209 Brookview Drive, Hurst, Texas 76054.</p> <p>4 Q. Thank you. Your date of birth is January 15, 5 1976?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Who lives with you at the 209 Brookview Drive 8 address?</p> <p>9 A. My wife, Jennifer.</p> <p>10 Q. When did you move there?</p> <p>11 A. Approximately, three months ago.</p> <p>12 Q. Before that did you reside at 1700 Independence 13 Road, Fort Worth?</p> <p>14 A. I -- that was our technical home, I traveled 15 for work a lot, though.</p> <p>16 Q. As far as a residential address, is the 1700 17 Independence Road the last one you had prior to 209 18 Brookview Drive?</p> <p>19 A. Yes, sir.</p> <p>20 Q. How long did you have the residence at 1700 21 Independence Road in Fort Worth?</p> <p>22 A. We have kept that as our home of record since 23 2005 when I entered the Army.</p> <p>24 Q. Let me ask you about your current position at 25 SOC, LLC, sir. You have been there for about six months</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Mr. Batts is fine.</p> <p>2 Q. How would that -- okay. Thank you. What was 3 your rank when you left the service, when you left the 4 U.S. Army?</p> <p>5 A. I was a staff sergeant.</p> <p>6 Q. How long were you a staff sergeant?</p> <p>7 A. Approximately, ten years.</p> <p>8 Q. What is your educational background?</p> <p>9 A. I have some college.</p> <p>10 Q. Where did you attend college?</p> <p>11 A. Tarrant County College, Troy University and 12 Central Texas College.</p> <p>13 Q. What year did you graduate high school?</p> <p>14 A. 1993.</p> <p>15 Q. Where was that, sir?</p> <p>16 A. Bedford, Texas.</p> <p>17 Q. And you are married to Jennifer obviously, 18 correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And when did you and Jennifer get married?</p> <p>21 A. January --</p> <p>22 Q. Don't get this one wrong.</p> <p>23 A. January 22, 2001.</p> <p>24 Q. Is that your only marriage?</p> <p>25 A. Yes, sir.</p>

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10 to 13

<p>1 Q. Do you have any children? 2 A. Yes, sir. 3 Q. How many children? 4 A. Just one. 5 Q. And I believe that's a daughter; is that 6 correct? 7 A. That's correct, sir. 8 Q. What is her name? 9 A. Haley. 10 Q. Does she live with you? 11 A. No, sir. 12 Q. Was she living with you at the time of your 13 incident in November of 2015? 14 A. Yes, sir. 15 Q. In June of 2017, Mr. Batts, why did you leave 16 the Army? 17 A. I was medically retired due to injuries. 18 Q. When you say you were medically retired, was it 19 the Army that made the decision to retire you? 20 A. Yes, sir. The medical review board did. 21 Q. Okay. Was it your intention to continue in the 22 Army? 23 A. Yes, sir. 24 Q. And you said you were medically retired due to 25 injuries. What injuries are you referring to?</p>	Page 10	Page 12
<p>1 A. That injury to my eye. 2 Q. Were there any other injuries that to your 3 knowledge the medical review board considered in 4 medically retiring you? 5 A. No, sir. 6 Q. What did you do, Mr. Batts, as far as 7 employment before entering the Army? 8 A. I worked as a diesel mechanic. 9 Q. How long did you do that? 10 A. For five years. 11 Q. Where were you employed? 12 A. Roadway Express in Irving, Texas. 13 Q. What did you do for employment before the five 14 years as a diesel mechanic? 15 A. I was a United States Marine. 16 Q. For how long? 17 A. Four years. 18 Q. While you were a Marine were you deployed 19 overseas? 20 A. Yes, sir. 21 Q. Where? 22 A. I did two Western Pacific deployments in 1996 23 and 1998. 24 Q. Did you go in the marines right out of high 25 school?</p>	Page 11	Page 13

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14 to 17

<p style="text-align: right;">Page 14</p> <p>1 A. Yes, sir.</p> <p>2 Q. And then in the process of reloading you need</p> <p>3 to put a -- a new primer into that cartridge case; is</p> <p>4 that correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And then you put a propellant or what a lot of</p> <p>7 people commonly refer to as gun powder into the</p> <p>8 cartridge case, correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And then you put a bullet in the end of the</p> <p>11 cartridge case, correct?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And you affix the bullet to that cartridge case</p> <p>14 by various means, but one of those would be crimping the</p> <p>15 cartridge case around the bullet; is that correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. So with regard to the ammunition that you have</p> <p>18 reloaded, the nine millimeter and 45, are there any</p> <p>19 other steps in reloading that I have omitted?</p> <p>20 A. Not for pistol ammunition, no.</p> <p>21 Q. Okay. Have you ever reloaded any rifle</p> <p>22 ammunition?</p> <p>23 A. No. I have not.</p> <p>24 Q. Have you ever reloaded any 300 Blackout?</p> <p>25 A. No, sir.</p>	<p style="text-align: right;">Page 16</p> <p>1 accident. I don't...</p> <p>2 Q. You still shoot?</p> <p>3 A. Yes, sir.</p> <p>4 Q. When is the last time you were shooting?</p> <p>5 A. Within the last two weeks.</p> <p>6 Q. What were you shooting the last time you did</p> <p>7 shoot?</p> <p>8 A. A 22 long rifle.</p> <p>9 Q. Can you list for me, sir, the firearms that you</p> <p>10 have fired since your accident in November of 2015?</p> <p>11 A. I can list most of them. I have fired quite a</p> <p>12 few.</p> <p>13 Q. Okay. As best you can do.</p> <p>14 A. Okay. M4, M16, M249 Bravo, M249 SAW, M240</p> <p>15 Bravo, 50-caliber Browning, 1911s, M4s, revolvers,</p> <p>16 shotguns; I shoot quite a bit.</p> <p>17 Q. Okay. Do you hunt?</p> <p>18 A. No, sir.</p> <p>19 Q. Where do you do -- since the accident, where</p> <p>20 have you done most of your shooting?</p> <p>21 A. On public land out in New Mexico.</p> <p>22 Q. Where did this incident occur, what shooting</p> <p>23 range?</p> <p>24 A. It was at Sportsman's Range, a complex at Fort</p> <p>25 Hood.</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Have you ever seen others reload rifle</p> <p>2 ammunition?</p> <p>3 A. No, sir.</p> <p>4 Q. Would reloading a rifle cartridge be similar in</p> <p>5 respects as you take to reload a pistol cartridge?</p> <p>6 MR. MEADOR: Objection; speculation. You</p> <p>7 can answer if you know.</p> <p>8 A. It -- it is -- there are different steps,</p> <p>9 though, and I'm not sure about the rifle ammunition. I</p> <p>10 know there are additional steps --</p> <p>11 Q. (BY MR. DANEKAS) Okay.</p> <p>12 A. -- that are required.</p> <p>13 Q. Okay. Fair enough. In any event, you would</p> <p>14 anticipate with a rifle, a reloaded rifle cartridge, you</p> <p>15 would need a new primer -- propellant and a bullet,</p> <p>16 correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. What types of reloading equipment do you have,</p> <p>19 Mr. Batts?</p> <p>20 A. I have a single-stage RCBS press.</p> <p>21 Q. Is that the only piece of reloading equipment</p> <p>22 that you have had since you started reloading in 2014?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Do you still reload?</p> <p>25 A. I have not. I don't think I have since the</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Is it part of the Fort Hood complex?</p> <p>2 A. Yes, sir.</p> <p>3 Q. So is the range where you were shooting at the</p> <p>4 time to your knowledge owned by the Army?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Are there other ranges at Fort Hood other than</p> <p>7 the one you were using at the time of the accident?</p> <p>8 A. Yes, sir.</p> <p>9 Q. How many ranges are there?</p> <p>10 A. There's quite a few, everything from small arms</p> <p>11 to attack helicopters.</p> <p>12 Q. Okay. At the time of the -- of your accident,</p> <p>13 Mr. Batts, were you -- for lack of a better word, on</p> <p>14 duty?</p> <p>15 A. As a soldier you're on duty 24/7.</p> <p>16 Q. Okay. All right. We'll get to that.</p> <p>17 With regard to your reloading of the</p> <p>18 handgun ammunition, the nine millimeter and 45 caliber,</p> <p>19 how did you learn to do that? Did anybody give you any</p> <p>20 instructions or did you just read and self-teach?</p> <p>21 A. I read and I watched videos on how to do that.</p> <p>22 Q. Were you given any, either by your -- the</p> <p>23 written word or the videos that you watched, any</p> <p>24 warnings about the dangers that can be associated with</p> <p>25 reloaded ammunition?</p>

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18 to 21

<p>Page 18</p> <p>1 A. They gave warnings if you exceeded parameters 2 established by the small arms industry.</p> <p>3 Q. Okay. Did you receive any warnings as you 4 brought yourself up to speed to -- to reload, did you 5 receive any warnings about what could happen if the 6 wrong type of propellant or the wrong amount of 7 propellant was used?</p> <p>8 A. Yes, sir.</p> <p>9 Q. What types of warnings have you received in 10 that regard?</p> <p>11 A. That it can cause catastrophic failures.</p> <p>12 Q. What types?</p> <p>13 A. Case head separation, damage to physical 14 components of the firearm, stress fractures in the 15 receiver.</p> <p>16 Q. Did you understand as of the time you started 17 to reload in 2014 that improperly-reloaded ammunition 18 could result in personal injury?</p> <p>19 A. Yes.</p> <p>20 Q. Did you understand that at the time you started 21 to reload in 2014 that improperly-reloaded ammunition 22 could result in injury to a shooter's eyes?</p> <p>23 A. I understood that that could be a possibility.</p> <p>24 Q. At the time you started to reload in 2014 what, 25 if any, understanding did you have if an insufficient</p>	<p>Page 20</p> <p>1 done, Mr. Batts, you understand that it is important to 2 be careful doing the reloading so that you don't create 3 an improperly-reloaded shell, whether that be too much 4 pressure or not enough?</p> <p>5 A. Yes, sir.</p> <p>6 Q. You were -- at the time of this incident in 7 November of 2015 you were firing an H&R single-shot, 8 break-barrel rifle; is that correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. The caliber was 300 Blackout?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Is the day of the incident the first time you 13 had fired that particular rifle?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Before the day of the incident had you fired 16 other H&R firearms?</p> <p>17 A. No, sir.</p> <p>18 Q. Before the day of the incident had you fired 19 any single-shot, break-barrel rifles?</p> <p>20 A. No, sir.</p> <p>21 Q. When I use the term break barrel, Mr. Batts, 22 what is your understanding of that phrase?</p> <p>23 A. Where it's a single shot you move a lever to 24 open the breech and load each round individually.</p> <p>25 Q. Okay. I just want to make sure we're on the</p>
<p>Page 19</p> <p>1 amount of propellant was used in a reloaded cartridge?</p> <p>2 A. That if there was an insufficient amount of 3 propellant in the cartridge that the projectile could 4 fail to exit the barrel and that it would cause the 5 weapon to function improperly.</p> <p>6 Q. Are you familiar with the term squib load?</p> <p>7 A. Yes, sir.</p> <p>8 Q. What does that mean to you?</p> <p>9 A. When there is an underpressure in the 10 projectile and it fails to cause the projectile to exit 11 the barrel.</p> <p>12 Q. Have you ever experienced a squib load?</p> <p>13 A. No. No, sir.</p> <p>14 Q. As of the time of the accident, Mr. Batts, what 15 was your understanding, if you had one, as to the 16 dangers involved in a squib load?</p> <p>17 A. That if you had a squib load and you are not 18 aware of it and the weapon is fired again, that the two 19 rounds can impact inside the barrel and cause 20 catastrophic failure.</p> <p>21 Q. Could blow up the firearm?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Could result in personal injury?</p> <p>24 A. Yes, sir.</p> <p>25 Q. With regard to the reloading that you have</p>	<p>Page 21</p> <p>1 same page.</p> <p>2 A. Yes, sir.</p> <p>3 Q. So the H&R rifle you fired on the day of the 4 incident was the first time you had fired that 5 particular rifle and also the first time you had fired 6 any single-shot, break-barrel rifle; is that correct?</p> <p>7 A. That is correct.</p> <p>8 Q. Let me ask you some questions, Mr. Batts, about 9 this particular rifle, meaning the H&R rifle that you 10 were using at the time. How long had -- well -- well, 11 first of all, was it your rifle?</p> <p>12 A. Yes, sir.</p> <p>13 Q. You were the owner?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And how long had you owned it before the day of 16 the accident?</p> <p>17 A. Approximately, a month.</p> <p>18 Q. And where did you get it?</p> <p>19 A. I received it from one of my superiors, another 20 Army soldier.</p> <p>21 Q. Was that Captain Bradley Craycraft?</p> <p>22 A. That is correct, sir.</p> <p>23 Q. Is he still with the service?</p> <p>24 A. Yes, sir.</p> <p>25 Q. As far as you know?</p>

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22 to 25

<p style="text-align: right;">Page 22</p> <p>1 A. Yes, sir.</p> <p>2 Q. How did you know that he had this rifle?</p> <p>3 A. We discussed it, he was my immediate supervisor</p> <p>4 and we were talking about firearms. And I said that I</p> <p>5 wanted to buy one of those and he said he had one that</p> <p>6 was brand-new and never been fired.</p> <p>7 Q. How long was he your immediate supervisor?</p> <p>8 A. For over a year, but I'm not sure of the exact</p> <p>9 amount of time.</p> <p>10 Q. How long before the accident was it that you</p> <p>11 had this conversation with Captain Craycraft?</p> <p>12 A. Approximately, six weeks.</p> <p>13 Q. And you told him -- (cough) excuse me. (cough)</p> <p>14 Excuse me.</p> <p>15 You told him that you were interested in</p> <p>16 obtaining an H&R rifle?</p> <p>17 A. In that particular rifle, yes.</p> <p>18 Q. When you say that particular rifle meaning --</p> <p>19 meaning what?</p> <p>20 A. Meaning that model of H&R rifle.</p> <p>21 Q. The model is referred to as a Handi rifle; is</p> <p>22 that correct?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Did you have any particular caliber in mind?</p> <p>25 A. 300 Blackout.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. My understanding from your answers to</p> <p>2 interrogatories is that Captain Craycraft had purchased</p> <p>3 this rifle somewhere in Kentucky; is that correct?</p> <p>4 A. I believe he had purchased it online while he</p> <p>5 was still in Texas and it was delivered from -- to him.</p> <p>6 I don't know what shop was actually -- where the</p> <p>7 physical location of the shop was.</p> <p>8 Q. Okay. In your answers to interrogatories --</p> <p>9 and we'll go through them in more detail a little bit</p> <p>10 later. But it's referred to as Bud's Gun Shop in</p> <p>11 Lexington, Kentucky. Does that ring a bell at all?</p> <p>12 A. Yes, I knew -- I know it was Bud's Gun Shop, I</p> <p>13 just did not know where they are physically located.</p> <p>14 Q. All right. But it's your understanding that</p> <p>15 Captain Craycraft ordered this online?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Do you know how long Captain Craycraft had</p> <p>18 owned this rifle or had it in his position anyway prior</p> <p>19 to conveying the rifle to you?</p> <p>20 A. No. No, sir.</p> <p>21 Q. Was it your understanding that Captain</p> <p>22 Craycraft had fired any rounds out of the rifle?</p> <p>23 A. No, sir. It was still sealed in the bag when I</p> <p>24 got it.</p> <p>25 Q. I see. And when you say bag you are referring</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Why?</p> <p>2 A. I planned on using that as a host for a</p> <p>3 suppressor.</p> <p>4 Q. I'm sorry, as a what?</p> <p>5 A. Host for the -- for a suppressor.</p> <p>6 Q. On the day of the accident were you using it</p> <p>7 with the suppressor?</p> <p>8 A. No, sir. I was -- I did not have the</p> <p>9 suppressor at that time.</p> <p>10 Q. Had you obtained a suppressor for that rifle</p> <p>11 prior to the accident?</p> <p>12 A. No, sir. I was waiting for its paperwork to</p> <p>13 come back from ATF.</p> <p>14 Q. You had ordered one, however?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Why would you use a suppressor on this</p> <p>17 particular rifle?</p> <p>18 A. Because 300 Blackout is quiet and it -- I</p> <p>19 thought it would be a fun range toy.</p> <p>20 Q. The 300 Blackout as I understand it can come in</p> <p>21 subsonic and hypersonic rounds; is that correct?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Did you intend to fire both subsonic and</p> <p>24 hypersonic from this rifle?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 25</p> <p>1 to the box?</p> <p>2 A. The box was sealed and it was inside a plastic</p> <p>3 bag inside the box.</p> <p>4 Q. So the -- the box was sealed and inside the box</p> <p>5 was a bag and inside the box was the rifle; is that</p> <p>6 right?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. How much did you pay Captain Craycraft</p> <p>9 for the rifle?</p> <p>10 A. Approximately, \$250.</p> <p>11 Q. Did you pay him by check or cash?</p> <p>12 A. Cash.</p> <p>13 Q. And you said that at, approximately, a month</p> <p>14 before the accident is when you took ownership of the</p> <p>15 rifle?</p> <p>16 A. Yes, sir.</p> <p>17 Q. In that month's time, Mr. Batts, where did you</p> <p>18 keep -- store the rifle?</p> <p>19 A. In my gun safe.</p> <p>20 Q. And was that at the address on Independence?</p> <p>21 A. Negative. That was at the address in</p> <p>22 Nolanville, Texas.</p> <p>23 Q. I see. How far is that from Fort Hood?</p> <p>24 A. I believe six miles.</p> <p>25 Q. Let me back up. You said that you wanted</p>

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26 to 29

<p>Page 26</p> <p>1 the -- you were interested in an H&R Handi-Rifle. What 2 type of research or information seeking had you 3 undertaken with regard to the H&R Handi-Rifle?</p> <p>4 A. I'm very familiar with Advanced R corporation 5 and I saw that they had -- they went in with Handi to -- 6 or H&R to produce that weapon as a suppressor host and I 7 thought it looked cool. So that's where I got my idea 8 to purchase the rifle.</p> <p>9 Q. Maybe it's the connection we have. But when 10 you say suppressor, what's the next word you are using?</p> <p>11 A. Oh, host.</p> <p>12 MR. CHANEY: Host.</p> <p>13 Q. (BY MR. DANEKAS) Got it. Okay. What specific 14 articles have you read either on paper or online with 15 regard to the H&R Handi-Rifle before buying this one 16 from Captain Craycraft?</p> <p>17 A. I had watched videos on YouTube about it and I 18 had seen advertisements but I can't recall the specific 19 articles or videos.</p> <p>20 Q. Did you ever go onto the H&R website before 21 buying this rifle from Captain Craycraft?</p> <p>22 A. No, sir.</p> <p>23 Q. Before this accident had you ever gone online 24 to the H&R website?</p> <p>25 A. No, sir.</p>	<p>Page 28</p> <p>1 received any ammunition for that rifle as of that time?</p> <p>2 A. No, sir.</p> <p>3 Q. Did Captain Craycraft have any ammunition for 4 this rifle?</p> <p>5 A. Not that I'm aware of, sir.</p> <p>6 Q. In any event, Captain Craycraft did not provide 7 you with any ammunition for this rifle; is that correct?</p> <p>8 A. That is correct, sir.</p> <p>9 Q. Okay. Tell me what you did with the rifle the 10 first time you took it out of the box.</p> <p>11 A. I took it out of the box, I inspected it, 12 looked it over to make sure that it was exactly what I 13 thought it was. I had a scope from another rifle that I 14 mounted on that rifle and then I put it in my safe.</p> <p>15 Q. Before obtaining this rifle had you spoken to 16 anyone who had either owned or used an H&R Handi-Rifle?</p> <p>17 A. No, sir.</p> <p>18 Q. On the day that you brought it home and -- I 19 think you said you examined it and put a -- mounted a 20 scope. Did you open up the action?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And did -- and then at some point obviously you 23 closed the action?</p> <p>24 A. Yes, sir.</p> <p>25 Q. How many times did you open and close the</p>
<p>Page 27</p> <p>1 Q. Since the accident have you gone onto the H&R 2 website?</p> <p>3 A. No, sir.</p> <p>4 Q. Since the accident, Mr. Batts, have you had any 5 contact yourself with anyone from H&R or Remington by 6 way of email, correspondence, telephone call?</p> <p>7 A. No, sir.</p> <p>8 Q. Before your accident had you had any contact 9 with anyone from H&R or Remington via email, phone 10 calls, letters, anything of that nature?</p> <p>11 A. No, sir.</p> <p>12 Q. At some point did you -- well, you obviously -- 13 at some point you removed the rifle from the bag inside 14 the box -- obviously removed the rifle from the box, 15 right?</p> <p>16 A. Yes, sir.</p> <p>17 Q. When did you first do that, sir?</p> <p>18 A. It would be the day that I brought it home 19 after I bought it.</p> <p>20 Q. And I presume for some period of time you -- 21 when you did that you looked it over, examined it; is 22 that fair to say?</p> <p>23 A. Yes, sir.</p> <p>24 Q. At the time you brought it home on that 25 particular day, the very day you got it home, had you</p>	<p>Page 29</p> <p>1 action on the day that you brought it home?</p> <p>2 A. Two times. Two --</p> <p>3 Q. You said two times?</p> <p>4 A. Two times.</p> <p>5 Q. Okay. Thank you. When is the next time the 6 rifle was out of your safe?</p> <p>7 A. After I inspected the rifle, put the scope on 8 it, I locked it in my safe. And so it remained in my 9 safe until I went to the range.</p> <p>10 Q. I see. So from the day you got it until the 11 day of the accident the rifle stayed in your safe?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Who has access or had access during that time 14 to the safe?</p> <p>15 A. Just myself.</p> <p>16 Q. Is it a safe that have has a combination lock 17 or otherwise?</p> <p>18 A. It's a combination lock safe.</p> <p>19 Q. And who has -- who knows the combination of 20 that safe other than you?</p> <p>21 A. Just myself.</p> <p>22 Q. On the day that you brought it home did anyone 23 else handle the rifle?</p> <p>24 A. No, sir.</p> <p>25 Q. Does your wife Jennifer do any shooting?</p>

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30 to 33

<p style="text-align: right;">Page 30</p> <p>1 A. She's been a couple of times but not regularly, 2 no.</p> <p>3 Q. Okay. You had on the day of the accident -- 4 obviously, Mr. Batts, you had some ammunition for this 5 rifle, right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Where did you get it?</p> <p>8 A. I got it at the gun show in Fort Worth.</p> <p>9 Q. What was the name of the gun show?</p> <p>10 A. I'm not sure which.</p> <p>11 Q. Where was it in Fort Worth?</p> <p>12 A. It was at Amon Carter Hall.</p> <p>13 Q. And when was it that you bought the ammunition?</p> <p>14 A. I'm not sure of the date but it was after I 15 bought the rifle.</p> <p>16 Q. Is this a gun show that is a regular gun show 17 or was it sort of a -- just an ad hoc gun show?</p> <p>18 A. There are routine gun shows at that exhibit 19 hall. I don't know if they're by the same presenter, 20 though.</p> <p>21 Q. Okay. So do you know the -- the -- is there 22 any way for you to identify the seller of this 23 ammunition to you?</p> <p>24 A. No, sir.</p> <p>25 Q. The -- the -- I'm going to call it a person but</p>	<p style="text-align: right;">Page 32</p> <p>1 300 Blackout ammunition had you purchased ammunition at 2 a gun show?</p> <p>3 A. Probably ten to 15 times over 15 years.</p> <p>4 Q. What types -- oh, that's a bad question. I'll 5 withdraw it.</p> <p>6 What caliber of ammunition had you 7 purchased at gun shows before this?</p> <p>8 A. 556, nine millimeter, 45.</p> <p>9 Q. Any others?</p> <p>10 A. No, sir.</p> <p>11 Q. When you purchased this ammunition, Mr. Batts, 12 was the ammunition in a container, a box, anything?</p> <p>13 A. I'm not sure. I don't recall.</p> <p>14 Q. How many rounds of 300 Blackout ammunition did 15 you purchase?</p> <p>16 A. I purchased 20.</p> <p>17 Q. How did you pay for it?</p> <p>18 A. I paid for cash, paid with cash.</p> <p>19 Q. Did you get a receipt?</p> <p>20 A. I do not know. I don't know, sir.</p> <p>21 Q. Have you --</p> <p>22 A. I don't know, sir.</p> <p>23 Q. Since your accident have you looked to see if 24 you had a receipt for this ammunition?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">Page 31</p> <p>1 whoever sold you this ammunition, was it somebody who 2 was selling only ammunition at that gun show or were 3 they selling other things including such as firearms?</p> <p>4 A. It was only ammunition.</p> <p>5 Q. How would you describe the size of this gun 6 show? Was this a large event, was it kind of a smaller 7 one, somewhere in between?</p> <p>8 A. It was -- it was a mid-sized for the 9 Dallas/Fort Worth area.</p> <p>10 Q. Had you been to gun shows before this?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Had you bought ammunition at gun shows before 13 this?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Had you been at gun shows at the 16 Amon Carter Hall before this?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Had you bought ammunition at the gun shows at 19 Amon Carter Hall before this?</p> <p>20 A. I don't remember if I -- if it was that gun 21 show that I purchased ammunition at gun shows before.</p> <p>22 Q. But you had purchased ammunition at some gun 23 show or shows before this?</p> <p>24 A. Yes, sir.</p> <p>25 Q. How many times before you purchased this</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. And obviously you have not found it; is that 2 correct?</p> <p>3 A. No. No, sir.</p> <p>4 Q. What I said is correct, you have not found the 5 receipt?</p> <p>6 A. I am not -- I -- I searched and I have not 7 found the receipt for the ammunition.</p> <p>8 Q. Okay. Thank you. The purchaser -- the actual 9 person who handled the transaction with you, was it a 10 male or a female?</p> <p>11 A. It was a female.</p> <p>12 Q. Can you describe her?</p> <p>13 A. I just remember that it was a female. It was a 14 male and female that --</p> <p>15 Q. Can you --</p> <p>16 A. -- at the booth and the female processed the 17 transaction.</p> <p>18 Q. And with regard to the female can you give me 19 any identifying information such as age, color of hair, 20 whether she wore glasses or not, slight build, medium 21 build, heavy build, height, anything?</p> <p>22 A. I would say that she is medium build and 23 probably in her late 30s.</p> <p>24 Q. Okay. Caucasian?</p> <p>25 A. Yes, sir.</p>

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34 to 37

<p style="text-align: right;">Page 34</p> <p>1 Q. What about the male in the booth with her, 2 anything you can use to describe him such as age, 3 height, weight, build?</p> <p>4 A. I don't know his height but he was an 5 overweight white male, Caucasian male.</p> <p>6 Q. Was there anyone with you at the gun show when 7 you purchased the ammunition?</p> <p>8 A. No, sir.</p> <p>9 Q. Do you have any recollection of how the 10 ammunition was turned over to you such that you could 11 take it away from the gun show and go home?</p> <p>12 I mean, was -- was the -- do you remember 13 any box, any bag, any -- any information like that?</p> <p>14 A. I can't remember if it was in a box or a bag. 15 I had a sack that I carried things out of the gun show 16 in but I can't remember if it was in a box, in a bag.</p> <p>17 Q. What conversation did you have with the two 18 people in this booth about the ammunition? Tell me what 19 you said to them and what they said to you.</p> <p>20 A. I was just asking if they had subsonic 21 300 Blackout and they showed it to me and I said okay, 22 I'll take it.</p> <p>23 Q. That was the extent of the conversation?</p> <p>24 A. Yes, sir.</p> <p>25 Q. I'm not familiar with the layout of the</p>	<p style="text-align: right;">Page 36</p> <p>1 I don't remember which side it was on but 2 it was towards the back of the left side or back of the 3 right side.</p> <p>4 Q. Okay. Relatively speaking compared to the size 5 of other booths there that day, was this a smaller 6 booth, medium-sized booth or larger booth?</p> <p>7 A. I would say it was about average.</p> <p>8 Q. And you specifically asked for subsonic 9 300 Blackout?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Was it your understanding that the rounds you 12 purchased that day were all subsonic?</p> <p>13 A. Yes, sir.</p> <p>14 Q. How much did you pay for this -- these 20 15 rounds?</p> <p>16 A. Approximately, 15 to \$20. I'm not sure.</p> <p>17 Q. Okay. Was that ammunition that you purchased 18 at this gun show the first 300 Blackout ammunition you 19 purchased?</p> <p>20 A. Yes, sir.</p> <p>21 Q. From that time until the accident did you 22 purchase any additional 300 Blackout rounds?</p> <p>23 A. No, sir.</p> <p>24 Q. Before the date of the accident had you 25 obtained from any source any other 300 Blackout rounds?</p>
<p style="text-align: right;">Page 35</p> <p>1 facility here but -- so well, let me ask you. The 2 Amon Carter Hall, where is that located in Fort Worth?</p> <p>3 A. It's by the museums in the stockyard.</p> <p>4 Q. And is it one floor or more than one floor?</p> <p>5 A. It's one floor. No, correction. There -- it 6 is multiple floors. There's like a lobby --</p> <p>7 Q. Okay.</p> <p>8 A. -- and then it goes down into the actual 9 exhibit halls.</p> <p>10 Q. Okay. Well, that's probably a better question 11 for me to ask. As far as the actual exhibit hall where 12 these booths are located, are the booths on just one 13 floor or multiple floors?</p> <p>14 A. Just one floor, sir.</p> <p>15 Q. And is the layout of the building generally 16 rectangular or another shape?</p> <p>17 A. It's rectangular, sir.</p> <p>18 Q. Is there a main entrance?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. Describe for me if you can, Mr. Batts, 21 as you go into the main entrance of the hall where this 22 booth was located?</p> <p>23 A. I -- if you go into the main entrance it breaks 24 off to where there's a passageway that goes straight and 25 then there's exhibit hall to the left and to the right.</p>	<p style="text-align: right;">Page 37</p> <p>1 A. No, sir.</p> <p>2 Q. So on the day of the accident the 300 Blackout 3 rounds that you had with you at the range at that time 4 were all rounds that you had purchased from this gun 5 show?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Is that correct?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Or at this -- or at this gun show? Did you -- 10 did you know at the time whether you were purchasing 11 factory rounds or reloads?</p> <p>12 A. No, sir.</p> <p>13 Q. Did it make a difference to you at the time 14 whether you were purchasing factory rounds or reloads?</p> <p>15 A. No, sir.</p> <p>16 Q. Had you ever been warned against the use of 17 reloaded ammunition if you were not sure of the source 18 of the reloaded ammunition?</p> <p>19 A. Yes, sir.</p> <p>20 Q. How did you obtain or who gave you such a 21 warning?</p> <p>22 A. I -- I do not recall.</p> <p>23 Q. Other than the ammunition you bought at the gun 24 show that day, did you buy anything else at the gun show 25 that day?</p>

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38 to 41

<p style="text-align: right;">Page 38</p> <p>1 A. I believe I bought a magazine for my 1911. 2 Q. And where -- do you know from whom you bought 3 that magazine? 4 A. No, sir. 5 Q. How did you pay for that? 6 A. Cash. 7 Q. At the gun show that day, Mr. Batts, had you 8 been to any other ammunition booths? 9 A. I know that I looked around at several 10 different booths but I didn't purchase anything at any 11 other booths. 12 Q. Had you inquired at other booths whether they 13 had 300 Blackout ammunition? 14 A. Yes, sir. 15 Q. And did any of the other booths have 16 300 Blackout ammunition? 17 A. No. Not subsonic. 18 Q. At the time you bought this ammunition -- 19 getting back to the question I asked you a few minutes 20 ago, what did you understand could happen if you 21 purchased the ammunition that were reloads and they had 22 been reloaded improperly? 23 A. I had been warned that if they were hot loads 24 or loaded in excess of pressures that are designated by 25 a small arms institute that you could have catastrophic</p>	<p style="text-align: right;">Page 40</p> <p>1 of Mr. Batts? 2 MR. CHANEY: They are. 3 THE WITNESS: Yes, sir. 4 MR. DANEKAS: Do you have his signature 5 page there by the way? I think that is being 6 separately. 7 MR. CHANEY: We do. 8 MR. DANEKAS: Let's mark that as 2A if we 9 can. 10 (Exhibit No. 2A was marked.) 11 MR. CHANEY: Mr. Batts has Exhibit 2A which 12 is the verification. 13 MR. DANEKAS: All right. Thank you. 14 Q. (BY MR. DANEKAS) On Exhibit 2A, Mr. Batts, is 15 that your signature? 16 A. Yes, sir. 17 Q. All right. And then let's look at Exhibit 2. 18 Do you remember reviewing some written answers to 19 written questions called interrogatories? 20 A. Yes, sir. 21 Q. I just want to ask you about a few of these. 22 We have touched upon many of them already. 23 In Interrogatory 2 you refer to location of 24 the incident as the Sportsman's Range, Rod & Gun Club, 25 Loop Road, Building 1937, Fort Hood, Texas. That's the</p>
<p style="text-align: right;">Page 39</p> <p>1 failures and damages to the receiver or person. 2 Q. And I think you told us earlier you also 3 understood that if they were underloaded, if you will, 4 you could have a squib round? 5 A. Yes. With the possibility of another round 6 hitting the first projectile in the barrel. 7 Q. Okay. 8 MR. DANEKAS: Hey, Mitch, if you could 9 hand, Mr. Batts, Exhibit 2. These are his answers to 10 interrogatories, take care of a little housekeeping here 11 and then we'll take a short break. 12 MR. CHANEY: Would you like them marked as 13 an exhibit to this deposition? 14 MR. DANEKAS: Yes, please. 15 MR. CHANEY: I have marked it as Exhibit 1. 16 MR. DANEKAS: So mark it as Exhibit -- no, 17 hey, Mitch, mark it as Exhibit 2 because I've already -- 18 I have premarked these. 19 MR. CHANEY: Okay. 20 (Exhibit No. 2 was marked.) 21 MR. DANEKAS: You are going to throw me 22 off. 23 MR. CHANEY: Sorry. So the interrogatories 24 are Exhibit 2. 25 MR. DANEKAS: Thank you. Are they in front</p>	<p style="text-align: right;">Page 41</p> <p>1 place you mentioned earlier in the deposition, right? 2 A. That's correct, sir. 3 Q. Okay. Then on Interrogatory No. 3 you identify 4 some individuals there. One is Haley -- is it Corral, 5 is that pronouncing it correctly? 6 A. Yes, sir. 7 Q. And that's your daughter? 8 A. Yes, sir. 9 Q. Is she married? 10 A. Yes, sir. 11 Q. What's her husband's name? 12 A. Evan. 13 Q. And then you mentioned Captain Craycraft, we 14 talked about him. And then you mentioned five 15 individuals, William Lindberg, Michael Jalbert, Bryan 16 Logan, Matthew Wagenen? 17 A. Yes, sir. 18 Q. And Christopher -- Christopher Smith. Are they 19 all military folk? 20 A. Yes, sir. Michael Jalbert is a civilian 21 working for that military organization as a safety 22 manager. 23 Q. All right. They're all located at Fort Hood? 24 A. No, sir. They have gone their separate ways, 25 they're all over the country.</p>

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42 to 45

<p style="text-align: right;">Page 42</p> <p>1 Q. I see. Do you know where -- going down from 2 the top of the list, Lindberg to Smith to the bottom of 3 that list of five, do you know where those individuals 4 are now?</p> <p>5 A. I do not know where Captain Lindberg is. I do 6 know where Bryan Logan is, he is at Fort Irwin, 7 California. He's really the only -- he's the only one I 8 know where they are.</p> <p>9 Q. All right. Now it's indicated there that these 10 individuals, these gentlemen investigated the incident 11 on behalf of the U.S. Army; is that correct?</p> <p>12 A. That is correct, sir.</p> <p>13 Q. How did you learn that these individuals were 14 involved in investigating your incident on behalf of the 15 U.S. Army?</p> <p>16 A. I met -- Bryan Logan was my commanding officer 17 for the squadron. And he called me into his office and 18 said that there was going to be a formal investigation 19 on what occurred that day.</p> <p>20 And that he would -- people would be coming 21 to speak with me and conduct a formal investigation on 22 the incident.</p> <p>23 Q. All right. And did -- later on did individuals 24 come and talk to you about the incident?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Okay. How long after the incident was it that 2 you were talked to or spoken to about the incident?</p> <p>3 A. Within two weeks I believe.</p> <p>4 Q. Okay. Was anyone with you when whoever it was 5 spoke to you?</p> <p>6 A. I don't remember.</p> <p>7 Q. Did you ever give -- prepare a written 8 statement about the incident? And I'm not talking about 9 anything you may have prepared for your attorney. Okay?</p> <p>10 Put that aside. You may or may not have done that, but 11 I don't care about that.</p> <p>12 Have you ever prepared any written 13 statement for anyone about the incident?</p> <p>14 A. I don't believe so. I don't remember doing 15 that.</p> <p>16 Q. Have you ever -- other than these answers to 17 interrogatories have you ever signed any statements 18 about the incident?</p> <p>19 A. No, sir.</p> <p>20 Q. When you read the report -- just strike that.</p> <p>21 What do you remember reading in the report 22 of the incident?</p> <p>23 A. I remember reading a description of the events 24 in the -- in the somewhat of a timeline that took place 25 when the incident occurred.</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Who are those individuals?</p> <p>2 A. I believe it was Christopher Smith because -- I 3 don't recognize the name, I don't remember the person 4 that act-- who actually came and talked to me. So I 5 believe it was Christopher Smith.</p> <p>6 And I also spoke with Michael Jalbert and 7 then the reviewing officer was Captain Lindberg. He's 8 the one that reviewed Christopher Smith's report.</p> <p>9 And then it also went through a review of 10 Bryan Logan and then finally our brigade commander, 11 Matthew Wagener.</p> <p>12 Q. Okay. So it's your understanding a written 13 report was prepared as a result --</p> <p>14 A. Yes, sir.</p> <p>15 Q. -- of the investigation? Have you seen that 16 written report in the investigation?</p> <p>17 A. A long time ago, I -- I saw it.</p> <p>18 Q. Have you ever had a copy of that report?</p> <p>19 A. No, sir.</p> <p>20 Q. When you were I guess interviewed or spoken to, 21 do you know whether or not that conversation was 22 recorded?</p> <p>23 A. I do not remember. That -- the report happened 24 after I was injured and I was on a lot of medication 25 during that time.</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. All right. Let's finish these interrogatory 2 answers. Let's go to Interrogatory No. 4, Mr. Batts, 3 and ask some information about the ammunition. And I 4 would like for you to read or follow along with me, 5 Subparagraph D.</p> <p>6 The answer is, and I'll read it into the 7 record. A male at the shooting range gathered and moved 8 Plaintiff's shooting gear, including the rifle and 9 ammunition to plaintiff's truck at the range on the day 10 of the incident and drove the truck to the Army Medical 11 Center.</p> <p>12 Later the day of the incident plaintiff's 13 wife, Jennifer, drove the truck with plaintiff's 14 shooting gear, including the ammunition and rifle to 15 plaintiff's off-base home.</p> <p>16 Plaintiff moved the rifle and ammunition 17 into his gun safe after his discharge from the Army 18 Medical Center. The rifle and ammunition remained in 19 Plaintiff's possession until Plaintiff transferred 20 possession of the ammunition to Robert M. Meador on 21 2/6/16 who maintained custody of the ammunition and 22 rifle until it was transferred to Charles Powell on 23 2/20/16.</p> <p>24 Mr. Powell has had custody of the rifle and 25 ammunition continuously since that time. And I</p>

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<p style="text-align: right;">Page 46</p> <p>1 understand that your -- you and/or your attorney has 2 brought with you the rifle and ammunition today. 3 With regard to that answer, first of all, 4 do you know who the male at the shooting range that is 5 identified here in this answer, do you know his 6 identify?</p> <p>7 A. No, sir. He is a civilian.</p> <p>8 Q. I see. You were video recording your shooting 9 of this rifle at the time the incident occurred, 10 correct?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Since the incident have you watched that video?</p> <p>13 A. Yes, sir.</p> <p>14 Q. How many times?</p> <p>15 A. I'm not sure. Quite a few.</p> <p>16 Q. When is the last time you saw it, sir?</p> <p>17 A. Probably a week ago.</p> <p>18 Q. Okay. I have watched it and there appears to 19 be a gentleman not in Army clothing but there seems to 20 be a gentleman who comes to where you had been shooting 21 and picks up the rifle and looks at it.</p> <p>22 Is he the one to your knowledge -- maybe 23 you don't know, but to your knowledge, is he the 24 individual who gathered and moved your shooting gear to 25 your truck?</p>	<p style="text-align: right;">Page 48</p> <p>1 home?</p> <p>2 A. That is correct.</p> <p>3 Q. Is that something that Jennifer has told you?</p> <p>4 A. Yes. I was aware when that happened.</p> <p>5 Q. Okay. And the off-base home would be which 6 address?</p> <p>7 A. It is -- on the Point -- on Pointer Street.</p> <p>8 203 Pointer Street.</p> <p>9 Q. Okay.</p> <p>10 A. In Nolanville.</p> <p>11 Q. And then this answer says that plaintiff, 12 meaning you, moved the rifle and ammunition into his gun 13 safe after his discharge from the Army Medical Center.</p> <p>14 Is that a correct statement?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Where -- where was this gun safe?</p> <p>17 A. It was located in our front bedroom.</p> <p>18 Q. On the address on Pointer Street?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Is that -- I may have misheard you. Is that 21 the same address -- strike that.</p> <p>22 Is that the same gun safe where you have 23 kept the H&R rifle from the time you got it until the 24 day of the incident?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">Page 47</p> <p>1 A. I am not aware. That happened after I was 2 transported from the location.</p> <p>3 Q. All right. So as you are sitting there today 4 do you know who it was who moved your shooting gear, the 5 rifle and ammunition, to your truck on the day of the 6 incident?</p> <p>7 A. No, sir.</p> <p>8 Q. Have you ever made any inquiry to find that 9 out?</p> <p>10 A. Yes, sir.</p> <p>11 Q. What have you done to try to determine that?</p> <p>12 A. I spoke with the Cadre at the range, the range 13 safety officers to try to identify who that was and they 14 don't keep records so I was unable to do so.</p> <p>15 Q. All right. How did you come to the 16 understanding that this man, whoever it was, drove your 17 truck to the Army Medical Center?</p> <p>18 A. I'm not -- I was told after I came out of 19 surgery that my truck was taken care of. That's the 20 extent that I knew that that happened.</p> <p>21 Q. What kind of truck did you have at that time?</p> <p>22 A. A Toyota 4Runner.</p> <p>23 Q. And it's your understanding that your wife, 24 Jennifer, drove the truck with your shooting gear, 25 including the ammunition and rifle to your off-base</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. When -- when were you discharged from the Army 2 Medical Center?</p> <p>3 A. I was discharged the following day.</p> <p>4 Q. Okay.</p> <p>5 A. From the incident.</p> <p>6 Q. Do you remember -- do you remember the date of 7 your incident?</p> <p>8 A. I believe it was the 19th of November.</p> <p>9 Q. What time of day did the incident occur?</p> <p>10 A. Approximately, 12:30 to 1:00 p.m.</p> <p>11 Q. I noticed on the -- the -- what has been 12 produced to us from your attorney, Mr. Batts, there were 13 actually two videos produced to us, one was you were 14 firing a 1 -- excuse me, an M1A.</p> <p>15 The video of your firing the 1 -- M1A, was 16 that shot -- was that video shot the same day as the 17 video with the H&R?</p> <p>18 A. Yes, sir.</p> <p>19 Q. You had fired the M1A prior to firing the H&R 20 that day; is that correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. So when you moved the rifle and ammunition into 23 your gun safe after you were discharged from the Army 24 Medical Center, did you -- were you the one that 25 actually took the ammunition and rifle out of the truck?</p>

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<p style="text-align: right;">Page 50</p> <p>1 A. No. I moved -- my wife took it out of the 2 truck and then I moved it from that room into the gun 3 safe because she doesn't have the combination. 4 Q. Okay. So where was the rifle and ammunition 5 when you first saw it when you got home from being 6 discharged from the hospital, the medical center? 7 A. It was in the front bedroom with the gun safe. 8 Q. Was the rifle in a case? 9 A. Yes, sir. 10 Q. What type of case did you have for that rifle? 11 A. It was a nylon I believe. It was a soft 12 material case. 13 Q. A soft, zippered case? 14 A. Yes, sir. 15 Q. All right. And where was the ammunition when 16 you saw it in the front bedroom? 17 A. It -- what was left of the ammunition was 18 inside of the front pocket of that case. 19 Q. The front pocket of the gun case? 20 A. Of the zippered case, yes, sir. 21 Q. Okay. 22 MR. DANEKAS: Why don't we take a short 23 break, reconvene in about five minutes or so. 24 THE VIDEOGRAPHER: We are off the record at 25 1:10.</p>	<p style="text-align: right;">Page 52</p> <p>1 any container? 2 A. It was loose. 3 Q. How many rounds were in that pocket? 4 A. I believe there were three or four but I am not 5 sure. 6 Q. Were there any other rounds of 300 Blackout 7 ammunition that you placed into the safe that day? 8 A. No, sir. 9 Q. Okay. I have created some still photos and we 10 can get to those later. But it appeared to me that on 11 the day of the incident, Mr. Batts, you were using a -- 12 what I'll call a clear or light gray plastic ammo box; 13 is that correct? 14 A. Yes, sir. 15 Q. And was that an ammo box that you brought with 16 you from your residence to the range that morning? 17 A. Yes, sir. I store all my ammo in those boxes. 18 Q. And did that ammo box on that day have 19 ammunition for both the 300 Blackout H&R rifle and the 20 other rifle you fired that day? The M1A. 21 A. No, sir. They were two separate boxes. 22 Q. Did you have two separate -- what I'll call a 23 clear or light gray ammo box with you that day? 24 A. Yes, sir. 25 Q. One was for the H&R 300 Blackout and the other</p>
<p style="text-align: right;">Page 51</p> <p>1 (Break taken from 1:10 p.m. to 1:23 p.m.) 2 THE VIDEOGRAPHER: Back on the record 1:23. 3 Q. (BY MR. DANEKAS) Okay. Mr. Batts, when we 4 broke I was asking you about the ammunition that you 5 placed into your safe when you were discharged from the 6 Army Medical Center. 7 And did I understand you to say that you 8 were discharged after surgery the day after the 9 incident? 10 A. It was -- I went into surgery for several 11 hours, I'm not sure of the exact time and they released 12 me -- 13 Q. Okay. 14 A. -- released me after that. And then with 15 the -- and I had to report back the next day. 16 Q. I see. Okay. So when you placed the rifle and 17 the ammunition into your gun safe that would have been 18 the day after the incident? 19 A. Yes, sir. 20 Q. Okay. Now you said that the ammunition that 21 you found was in a -- an outside pocket on the soft, 22 zippered gun case for the rifle; is that correct? 23 A. Yes, sir. 24 Q. Okay. And was the ammunition in that pocket of 25 the gun case loose or was it where the -- contained in</p>	<p style="text-align: right;">Page 53</p> <p>1 was for the M1A? 2 A. Yes, sir. 3 Q. And the M1A, were you shooting at a 308? 4 A. Yes, sir. 5 Q. And when you arrived home after being 6 discharged from the Army Medical Center did you see 7 either of those ammo boxes? 8 A. No. They were both missing. 9 Q. Have you ever seen either of those ammo boxes 10 since then? 11 A. No. 12 Q. Since the day of the accident? 13 A. No, sir. 14 Q. Now you were recording this with a GoPro 15 camera; is that correct? 16 A. Yes, sir. 17 Q. And you got the GoPro camera back; is that 18 correct? 19 A. Yes, sir. 20 Q. When did you first see the GoPro camera after 21 the incident? 22 A. When I opened the gun case, somebody had thrown 23 it in there. 24 Q. So it was inside the soft gun case with the 25 rifle itself?</p>

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<p>1 A. I do not remember if it was -- which 2 compartment in the case that it was in. 3 Q. I see. Do you still have this gun case? 4 A. Yes, sir. 5 Q. Have you made any inquiries of anybody about 6 what happened to those two light gray plastic ammo boxes 7 that were with you on the day of the accident? 8 A. Yes, sir. I inquired on that. And there were 9 some of those little mounts for my GoPro that were 10 missing as well. And when I went to find out if I could 11 identify who that civilian was that loaded my stuff up I 12 asked about those and they said they didn't have 13 records. 14 Q. Let's back up about the -- the 300 Blackout 15 ammunition. You told us that you bought 20 rounds at 16 the gun show; we have gone through that. 17 And then on the day that you bought that 18 ammunition you brought it back to your house; is that 19 correct? 20 A. Yes, sir. 21 Q. And that would be the address on Pointer 22 Street? 23 A. Yes, sir. 24 Q. And you put the ammunition in -- into the gun 25 safe or no?</p>	<p>Page 54</p> <p>1 Q. While you were handling the ammunition -- well, 2 let me back up even farther. 3 At the gun show did you visually look at 4 and inspect the ammunition that you were buying? 5 A. Yes, sir. 6 Q. Did the ammunition appear to be all the same? 7 A. There were some that were ballistic tips and 8 there were some that were hollow points. 9 Q. Did the bullets appear to be different sizes? 10 A. No, sir. 11 Q. How many rounds of ammunition did you take to 12 the range that day? 13 A. I took the 20 rounds of 300 Blackout and, 14 approximately, 40 rounds of 308. 15 Q. Okay. I have got -- I have got -- we're going 16 to focus on the 300 Blackout. You took all 20 rounds 17 that you had purchased to the range that day? 18 A. Yes, sir. 19 Q. How many did you fire before the accident 20 happened? 21 A. Two rounds. 22 Q. Okay. I have watched the video and it appears 23 that you fired one round, removed the spent case, put 24 the -- what I'm going to call the incident round into 25 the rifle and then you pulled the trigger and that's</p>
<p>1 A. No, I kept it on my ammo shelf. 2 Q. Okay. And I think you told us that you don't 3 remember whether the ammunition came in a box or a bag 4 or anything like that; is that a fair statement? 5 A. Yes, sir. 6 Q. Do you remember seeing it sitting on the 7 ammunition shelf? 8 A. Yes, sir. Whenever I -- I always put them in 9 those clear plastic boxes whenever I buy it. So I have 10 a shelf that just has those boxes with ammo in it. 11 Q. I see. So when you came home that day with 12 these 20 rounds of 300 Blackout, when you got home did 13 you then take that ammunition, those 20 rounds, and put 14 them into an ammo box? 15 A. Yes, sir. 16 Q. And was that the ammo box that we see in the 17 video? 18 A. Yes, sir. 19 Q. So from the time you got the ammunition at the 20 gun show until the date of the accident, from the time 21 you got it home and put it in the ammo box it stayed in 22 the ammo box until you got to the range that day? 23 A. Yes, sir. 24 Q. You put all 20 rounds into that ammo box? 25 A. Yes, sir.</p>	<p>Page 55</p> <p>1 when the accident happened? 2 A. Yes, sir. 3 Q. So did you fire a round out of this rifle 4 before you started video recording shooting this rifle? 5 A. Yes, sir. 6 Q. So the incident round was the third round that 7 you fired from this rifle? 8 A. That is correct. 9 Q. And I noticed on the video with regard to what 10 I guess would be the second round you fired, the first 11 one on video, that you took this spent case, cartridge 12 case, out of the rifle and put it into that gray plastic 13 ammo box; is that correct? 14 A. Yes, sir. 15 Q. I noticed on the video, Mr. Batts, that you had 16 some rounds, I couldn't tell exactly the number, but 17 some rounds out of the ammo box on the -- the top of 18 the -- of -- what do you call it? It's not a table? 19 A. The table. 20 Q. The rest -- table? Let's call it a table. You 21 had a few rounds out of the ammo box lying on the table, 22 right? 23 A. Yes, sir. 24 Q. How many rounds when you started -- I'm not 25 talking about the other -- the M1A. Okay? I'm just</p>

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<p>1 talking about the 300 Blackout.</p> <p>2 When you started to -- when you were going</p> <p>3 to be firing this round -- how many -- this rifle, how</p> <p>4 many rounds of 300 Blackout did you remove from that</p> <p>5 ammo case and put onto the table?</p> <p>6 A. I don't recall the exact number. Usually I</p> <p>7 pull three or four of them out, lay them down so that</p> <p>8 they're easier to get to and work that way.</p> <p>9 Q. And there was some ammunition brought in, I</p> <p>10 don't know if it was with you or with Mr. Meador, to the</p> <p>11 deposition today.</p> <p>12 MR. DANEKAS: Do we have that handy there?</p> <p>13 MR. MEADOR: It's in the hard case with the</p> <p>14 rifle. Do you want me to hand this to the witness?</p> <p>15 MR. DANEKAS: Yeah, just the ammunition,</p> <p>16 Bob, if you would, please. Let's put an exhibit sticker</p> <p>17 on that box. And I think that since we have already</p> <p>18 premarked them, I think that will be Exhibit 24.</p> <p>19 MR. MEADOR: Well, the ammunition goes with</p> <p>20 me at the end of the deposition, along with the rifle.</p> <p>21 MR. DANEKAS: Understood.</p> <p>22 MR. CHANEY: Do you want to make that 24?</p> <p>23 MR. MEADOR: I'm sorry. What number is</p> <p>24 that?</p> <p>25 MR. CHANEY: 24. And I'll just put it</p>	<p>Page 58</p> <p>1 that case and those nine rounds of ammunition were</p> <p>2 provided to us through your attorney to examine.</p> <p>3 And an expert hired by Mr. Meador on your</p> <p>4 behalf and an expert hired by us jointly examined that</p> <p>5 ammunition. And it was represented to us that that was</p> <p>6 some of the 300 Blackout ammunition that you provided to</p> <p>7 Mr. Meador; is that correct?</p> <p>8 A. Yes, sir. I was specifically speaking on the</p> <p>9 case but yes, the ammunition is correct.</p> <p>10 Q. Okay. That's fair enough. There's some</p> <p>11 writing on the case and I think it might be the part</p> <p>12 that's lying on the table?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Do you know whose writing that is?</p> <p>15 A. It's my handwriting.</p> <p>16 Q. Okay. And what is -- there's a number and then</p> <p>17 your name, right? Or your last name, right?</p> <p>18 A. Yes, sir.</p> <p>19 Q. What's the number refer to?</p> <p>20 A. The date. So it would be January 2, 2016.</p> <p>21 Q. Okay. Why is that date on that case?</p> <p>22 A. I don't remember. Maybe it's the day that this</p> <p>23 was turned over. I'm not sure.</p> <p>24 Q. That box that -- and you described it as a pink</p> <p>25 box, that was not the box with you on the date of the</p>
<p>Page 59</p> <p>1 right here. Is that okay? I don't see any --</p> <p>2 MR. MEADOR: Yeah, that's fine.</p> <p>3 MR. CHANEY: I don't see any --</p> <p>4 MR. MEADOR: There was printing on the</p> <p>5 other side. Maybe it was on the -- yeah, that's fine.</p> <p>6 That's fine.</p> <p>7 MR. CHANEY: And these are on the cartridge</p> <p>8 and a label that's been taken off the bottom.</p> <p>9 (Exhibit No. 24 was marked.)</p> <p>10 MR. CHANEY: Okay. So I'm handing</p> <p>11 Mr. Batts Exhibit 24 which is the bottom of the plastic</p> <p>12 case with cartridges in it.</p> <p>13 MR. DANEKAS: Okay.</p> <p>14 Q. (BY MR. DANEKAS) Mr. Batts, can you identify</p> <p>15 what we have marked as Exhibit 24?</p> <p>16 A. Yes, sir.</p> <p>17 Q. What is it?</p> <p>18 A. It is a pink-in-color ammo holding case with</p> <p>19 nine rounds of ammunition in it.</p> <p>20 Q. Okay. Is that your case?</p> <p>21 A. I don't know. I don't remember. I would --</p> <p>22 Q. Okay.</p> <p>23 A. I would assume so.</p> <p>24 Q. Well, I will -- I'm not going to be secretive</p> <p>25 about it. What -- I'm going to represent to you that</p>	<p>Page 61</p> <p>1 incident, correct?</p> <p>2 A. That is correct.</p> <p>3 Q. Were -- the rounds that are in the box, there's</p> <p>4 seven -- excuse me. There are nine rounds in that box</p> <p>5 in front of you; is that correct?</p> <p>6 A. That is correct, sir.</p> <p>7 Q. Where did those rounds come from?</p> <p>8 A. Those rounds were in the rifle case.</p> <p>9 Q. Okay. So these -- these nine rounds in the</p> <p>10 pink plastic ammo box were the rounds that you removed</p> <p>11 from the pocket of the soft, zippered rifle case of --</p> <p>12 the day after your incident?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And these nine rounds would have been or were</p> <p>15 with you at the range on the day of your incident?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Now you fired two rounds before the incident</p> <p>18 round and at least the one that I saw on camera, you put</p> <p>19 the spent casing back into the gray plastic ammo box,</p> <p>20 correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Have you seen either of the two spent casings</p> <p>23 from rounds one and two from the day of the incident</p> <p>24 until today?</p> <p>25 A. No, sir.</p>

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<p style="text-align: right;">Page 62</p> <p>1 Q. As far as you understand, they disappeared I 2 guess with -- along with the gray ammo box?</p> <p>3 A. Yes, sir.</p> <p>4 Q. By the way, with regard to the round that 5 struck you, did that -- I know that struck you in the 6 eye, that the case did. Was that protruding from your 7 eye right after the accident?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And was that later removed by some medical 10 providers?</p> <p>11 A. No, sir. I -- when it hit me I went like this 12 and I felt something and I pulled it out.</p> <p>13 Q. Was that -- were the actions that you just 14 described, Mr. Batts, was that shown on the video or was 15 that after you moved away from the video?</p> <p>16 A. I believe at the end of the video you could see 17 me reach up to my eye like demonstrated. But it does 18 not show me pull the casing out.</p> <p>19 Q. Okay. Yeah, I remember seeing you reach up to 20 your eye but I don't remember your -- seeing anything 21 that looked like you were pulling the casing out. What 22 did you do with that?</p> <p>23 A. I held onto that casing until -- I had it in my 24 possession through the ambulance ride into the hospital. 25 It was taken away from me and placed on a metal surgical</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. When you -- either at the time you purchased 2 the rounds or the time you put the rounds into the gray 3 plastic ammo box the day that you purchased them what, 4 if any, significance was it that some of these rounds 5 have the polymer tip which I'll call red or orange and 6 some were hollow point?</p> <p>7 A. The significance is, you know, some rifles do 8 it better with better ammunition. So I had two 9 different projectiles to see which one it shoots better 10 with.</p> <p>11 Q. Did you specifically ask for two different 12 types of projectiles at the gun -- gun show?</p> <p>13 A. No. But when they showed me the types of ammo 14 they had I went ahead and got two different types.</p> <p>15 Q. How many different types of ammo did they show 16 you?</p> <p>17 A. These two for subsonic.</p> <p>18 Q. So it was your understanding that both of these 19 were subsonic?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Did you want to purchase any hypersonic rounds 22 on the day that you purchased these rounds at the gun 23 show?</p> <p>24 A. No. I was more concerned about subsonic ammo 25 for zeroing for the suppressor.</p>
<p style="text-align: right;">Page 63</p> <p>1 tray to the -- to my left. And then they gave me 2 Fentanyl and I don't remember what happened.</p> <p>3 Q. Okay. Have you seen that cartridge case since 4 then?</p> <p>5 A. No, sir.</p> <p>6 Q. Do you know if the hospital has it?</p> <p>7 A. I -- after I recovered to the point that I 8 could go back up there and ask them about it, I went and 9 asked them and they said that they had no idea what I 10 was talking about.</p> <p>11 Q. And by the way, this -- this hosp -- this 12 medical center, it's -- is -- is it on the base?</p> <p>13 A. Yes, sir.</p> <p>14 Q. So as you are sitting there today you have no 15 idea where that cartridge case is?</p> <p>16 A. No, sir.</p> <p>17 Q. What I said is accurate?</p> <p>18 A. Yes, sir. I -- at this point in time I have no 19 idea where the cartridge case is.</p> <p>20 Q. Okay. So we have three cartridge cases that 21 were shot, including the one that hit you. We have nine 22 in the pink box in front of you, Exhibit 24.</p> <p>23 To your knowledge were the other eight 24 cartridges in the gray ammo box that you no longer have?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. So it was your understanding that when you 2 bought these 20 rounds at the gun show that all 20 3 rounds were subsonic?</p> <p>4 A. That is correct.</p> <p>5 Q. Now we have -- in the pink case in front of you 6 we have seven with the polymer -- I'm going to call it a 7 red tip, maybe it's orange. But seven with the orange 8 or red polymer tip and two hollow points, correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. When you purchased the 20 rounds at the gun 11 show how many were of the polymer tip and how many were 12 of the hollow point?</p> <p>13 A. There was ten and ten.</p> <p>14 Q. Okay. With regard to the three rounds you 15 fired, including the round that hit you, Mr. Batts, 16 which rounds did you use?</p> <p>17 A. They were the polymer tips.</p> <p>18 Q. So all of the unfired polymer tip rounds would 19 be accounted for?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Because you fired three and we have seven in 22 this box, right?</p> <p>23 A. Yes, sir.</p> <p>24 Q. So along with the gray plastic ammo box we have 25 eight missing hollow point 300 Blackouts, right?</p>

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<p style="text-align: right;">Page 66</p> <p>1 A. Yes, sir.</p> <p>2 Q. Either at the time you purchased them at the 3 gun show or when you took them out of whatever they were 4 in and put them onto -- into your ammo box, did you look 5 at the case heads for these rounds?</p> <p>6 A. No, sir.</p> <p>7 Q. Did you notice at the -- at any time up until 8 the time of the incident that there were at least three 9 different cases, cartridge cases, used for this 10 ammunition?</p> <p>11 A. No, sir. I was not aware.</p> <p>12 Q. And I think you told me earlier that when you 13 purchased these you did not know whether or not they 14 were factory loads or reloads; is that correct?</p> <p>15 A. It never occurred to me to even ask, so no, I 16 was not aware.</p> <p>17 Q. When did -- what time did you leave your house 18 the morning of the incident, Mr. Batts?</p> <p>19 A. I would say, approximately, 04:30 in the 20 morning.</p> <p>21 Q. And when -- at what time did you arrive at the 22 base?</p> <p>23 A. Before 0 -- before 05:00.</p> <p>24 Q. Okay. And from 5:00 a.m. until the time of the 25 accident that you said was 12:30 to 1:00 p.m. --</p>	<p style="text-align: right;">Page 68</p> <p>1 incident and placed the rifle and the ammunition -- or 2 put it away, with regard to the ammunition, these nine 3 rounds of ammunition, did you take them or remove them 4 from the pocket in the gun case and put them into any 5 other container?</p> <p>6 A. I do not remember.</p> <p>7 Q. But I think you said -- and correct me if I'm 8 wrong, but I think you said you put the ammunition into 9 the safe also?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay.</p> <p>12 A. I wanted to keep it separate.</p> <p>13 Q. And those ammunition, those nine rounds 14 remained with you as well as the rifle remained with you 15 until the time you turned them over to your attorney, 16 Mr. Meador, correct?</p> <p>17 A. Yes, sir. Locked in the safe.</p> <p>18 Q. Did you at any time from the day after the 19 incident until the time you transferred possession of 20 the rifle to Mr. Meador, did you at any time personally 21 take the rifle out of the safe and examine it?</p> <p>22 A. No, sir. I don't really want to touch it.</p> <p>23 Q. To your knowledge during that time frame did 24 anyone else take the rifle out of the safe?</p> <p>25 A. No, sir.</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Yes, sir.</p> <p>2 Q. -- what did you do?</p> <p>3 A. We conducted unit physical exercise, I had a 4 meeting with Command in Staff and we were released early 5 for Thanksgiving.</p> <p>6 Q. When you say you were released early for 7 Thanksgiving, was that a type of leave for the 8 Thanksgiving holiday?</p> <p>9 A. They usually give us four-day weekends for 10 major holidays and if they can, they release us early 11 the day prior to the four day starting.</p> <p>12 Q. When you left the house that morning I take it 13 because you brought the H&R with you, you were at least 14 hoping and intending to fire it that day?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Was there any prohibition at the base about the 17 use of personal firearms at any of the ranges?</p> <p>18 A. No, sir.</p> <p>19 Q. So when this accident happened, even though you 20 had reported to the base that morning and conducted some 21 what I'll call Army-related activities, at the time this 22 accident happened, you were on your own personal time, 23 firing your own personal rifle; is that correct?</p> <p>24 A. That is correct, sir.</p> <p>25 Q. When you arrived home the day after the</p>	<p style="text-align: right;">Page 69</p> <p>1 MR. DANEKAS: Bear with me.</p> <p>2 Q. (BY MR. DANEKAS) Mr. Batts, other than the 3 Army or the investigation conducted on behalf of the 4 Army that we talked about earlier, are you aware of any 5 other investigations of your incident such as by any law 6 enforcement agencies?</p> <p>7 A. No, sir.</p> <p>8 Q. When you obtained the rifle from Captain 9 Craycraft you said it was new in a box inside a bag, 10 right?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And there was an owner's manual with it?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Did you read the owner's manual?</p> <p>15 A. I flipped through it, sir.</p> <p>16 Q. When you say you flipped through it I'm not 17 sure what that means. Was there any parts of the manual 18 that you actually read?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Is it your custom and practice and I take it 21 that you have fired a lot of -- and owned a lot of 22 firearms. Was it your custom and practice to review an 23 owner's manual for a firearm when first obtaining the 24 firearm?</p> <p>25 A. Yes, sir.</p>

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<p style="text-align: right;">Page 70</p> <p>1 Q. Is that particularly true where you have a 2 firearm that is new and of a new type such as this 3 break-action, single-barrel rifle --</p> <p>4 A. Yes, sir.</p> <p>5 Q. -- that you -- you had not ever previously 6 fired a -- such a type of firearm, correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And so how much of the owner's manual if you 9 can recall did you read?</p> <p>10 A. Every -- I read everything regarding operation 11 of the weapon.</p> <p>12 Q. Okay.</p> <p>13 MR. DANEKAS: Mitch, mark as Exhibit 1 the 14 owner's manual. This is one that was produced by or 15 through Mr. Meador.</p> <p>16 (Exhibit No. 1 was marked.)</p> <p>17 MR. CHANEY: I'm handing Mr. Batts 18 Exhibit 1 now. Do you want a copy of it, Bob? It's 19 what you produced to us.</p> <p>20 MR. MEADOR: (Moving head side to side.)</p> <p>21 Q. (BY MR. DANEKAS) Mr. Batts, that is a copy of 22 the owner's manual for the rifle that your attorney has 23 produced to us. Does that look familiar to you?</p> <p>24 A. Yes, sir.</p> <p>25 Q. I'm going to ask you a few questions about</p>	<p style="text-align: right;">Page 72</p> <p>1 The second sentence on that page says using 2 the wrong ammunition, mixing ammunition or using 3 improperly-reloaded ammunition can cause serious 4 personal injury or death.</p> <p>5 Did you read that in the manual before your 6 accident?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And do you understand -- and I think you have 9 told us you already understood that using 10 improperly-reloaded ammunition could cause serious 11 personal injury or death; is that correct?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Under the section entitled Reloading Requires 14 Extra Diligence, the last sentence in the first 15 paragraph says never use ammunition which has been 16 reloaded by someone else. Do you see that sentence?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Did you read that sentence before your 19 accident?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Was it your custom and practice not to use 22 ammunition reloaded by someone else?</p> <p>23 A. I -- I would say customarily I do not use ammo 24 that's been reloaded by somebody else.</p> <p>25 Q. Why not?</p>
<p style="text-align: right;">Page 71</p> <p>1 sections of the manual. The first page has a box that's 2 labeled Important and the first paragraph reads this 3 manual contains operating care and maintenance 4 instructions.</p> <p>5 To assure safe operation any user of this 6 firearm must read and understand this manual before 7 using the firearm. Failure to follow the instructions 8 and heed the warnings in this manual can cause property 9 damage, personal injury and/or death.</p> <p>10 Did you read that paragraph when you first 11 obtained this rifle?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And that would have been before the accident; 14 is that correct?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And I'm going to ask you to look at the second 17 page in the manual. There's a section entitled The Ten 18 Commandments of Firearm Safety. Do you see that?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Did you read through the -- those ten 21 commandments?</p> <p>22 A. Yes, sir.</p> <p>23 Q. I'm not going to go through all of them but I 24 do want to direct your attention to the fifth one on 25 paragraph -- or excuse me, on page four.</p>	<p style="text-align: right;">Page 73</p> <p>1 A. Well, I have -- I have in the past. But it's 2 not custom for me to use reloaded ammunition except in 3 my handguns, that I have done.</p> <p>4 Q. Okay. And why is it your general custom not to 5 use ammunition reloaded by others?</p> <p>6 A. Because it tends to cost the same amount as 7 factory ammunition and the reason that I reload is to 8 same money on shooting.</p> <p>9 Q. Was part of the reason that you customarily did 10 not use ammunition reloaded by others was that you could 11 not assure yourself that it was properly -- had been 12 properly reloaded?</p> <p>13 A. No. Because of the type of individuals that I 14 was buying ammunition from.</p> <p>15 Q. Who were you buying ammunition from?</p> <p>16 A. Well, in regards to that statement I would buy 17 ammunition from storefront owners and not somebody at a 18 garage sale.</p> <p>19 Q. But you had purchased -- you purchased this 20 300 Blackout and you had purchased, I think 15 to 20 21 times before, ammunition at a gun show?</p> <p>22 A. Correct.</p> <p>23 Q. Did -- did -- and during those times you were 24 purchasing ammunition at a gun show did you know -- I'm 25 not just talking about this particular incident or this</p>

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<p style="text-align: right;">Page 74</p> <p>1 particular ammunition.</p> <p>2 But do you know or not know whether you</p> <p>3 were purchasing reloaded ammunition or factory-loaded</p> <p>4 ammunition?</p> <p>5 A. I'm unsure of the answer to that. I do not</p> <p>6 know.</p> <p>7 Q. When you purchased the other ammunition at the</p> <p>8 gun shows, Mr. Batts, on those 15 or 20 occasions, did</p> <p>9 that ammunition generally come in of what appeared to be</p> <p>10 a factory box?</p> <p>11 A. A factory box or a bag, yes, sir.</p> <p>12 Q. But the -- I know you can't remember the</p> <p>13 specifics but the container, whether it be a box or a</p> <p>14 bag or whatever for this ammunition, did it appear at</p> <p>15 all to be factory?</p> <p>16 A. It was professionally packaged because I</p> <p>17 wouldn't have bought it if it was not. I don't remember</p> <p>18 how it was packaged.</p> <p>19 Q. Do you remember any markings whatsoever on this</p> <p>20 packaging, color, letters, addresses, names, anything at</p> <p>21 all?</p> <p>22 A. I remember reading that it was subsonic and it</p> <p>23 was 300 AAC. I just don't remember how it was labeled</p> <p>24 that way.</p> <p>25 Q. Okay. How many different packages did you</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Yes, sir.</p> <p>2 Q. And did you already have an understanding that</p> <p>3 reloaded ammunition from bad or from -- or that deviated</p> <p>4 from loader component recommendations could be</p> <p>5 dangerous?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Under the section that is kind of grayed out,</p> <p>8 the first sentence under that says not following these</p> <p>9 guidelines could result in serious injury to yourself or</p> <p>10 severe damage to your firearm. Did you read that before</p> <p>11 the accident?</p> <p>12 A. Yes, sir.</p> <p>13 Q. I think we have already established a couple of</p> <p>14 times that you knew as of the time of your accident that</p> <p>15 using improperly-reloaded ammunition could cause damage</p> <p>16 to not just the firearm but also to the user, correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. These -- you said, Mr. Batts, that you were --</p> <p>19 you were sighting in the rifle, that's the reason for</p> <p>20 your shooting that morning?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Or that day? The glasses that you were wearing</p> <p>23 at the time, were they regular sunglasses or were they</p> <p>24 what I'll call intended to be shooting glasses?</p> <p>25 A. At the time I believed that they were shooting</p>
<p style="text-align: right;">Page 75</p> <p>1 have, did you buy of the 300 Blackout? I mean, how many</p> <p>2 were given to you when you turned over the money?</p> <p>3 A. It was two lots. So the ballistic tip and the</p> <p>4 hollow point.</p> <p>5 Q. So there were two different -- I'm going to</p> <p>6 call it a container, whether it be a box or a bag, the</p> <p>7 two different containers given to you for this</p> <p>8 ammunition, one with the polymer point, one with the</p> <p>9 hollow point?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Were the packaging -- was the packaging the</p> <p>12 same for each?</p> <p>13 A. I'm not -- I don't know. I'm not sure. I</p> <p>14 can't remember.</p> <p>15 Q. Okay. They both appeared to be what you called</p> <p>16 professionally packaged?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Let's go back to the owner's manual on page</p> <p>19 four. The third paragraph under Reloading Requires</p> <p>20 Extra Diligence. It says hand-loaded -- the last</p> <p>21 sentence of that paragraph.</p> <p>22 Hand loaded or reloaded ammunition that</p> <p>23 deviates either intentionally or accidentally from loader</p> <p>24 or component recommendations can be very dangerous. Did</p> <p>25 you read that before your accident?</p>	<p style="text-align: right;">Page 77</p> <p>1 glasses.</p> <p>2 Q. And you prefaced it by saying at the time.</p> <p>3 Have you later learned that they were not shooting</p> <p>4 glasses?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And without getting into conversations with</p> <p>7 your attorney, how have you determined that they were</p> <p>8 not shooting glasses?</p> <p>9 A. Well, upon examination of the lenses after the</p> <p>10 incident.</p> <p>11 Q. Your examination?</p> <p>12 A. Yes, sir.</p> <p>13 Q. What about your examination revealed to you</p> <p>14 that these were not shooting glasses?</p> <p>15 A. To the extent of damage to the lens.</p> <p>16 Q. Are you familiar with shooting glasses that</p> <p>17 meet certain mil specs?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Have you ever used any shooting glasses that</p> <p>20 meet mil spec?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And have you used shooting glasses that met mil</p> <p>23 spec prior to the date of this incident?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Where did you obtain the glasses you were</p>

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<p style="text-align: right;">Page 78</p> <p>1 wearing on the day of the incident, where did you obtain 2 them?</p> <p>3 A. I do not remember where I obtained them.</p> <p>4 Q. Then why was it at the time of the accident 5 that you thought they were -- they were shooting 6 glasses?</p> <p>7 A. Because the lenses were in Oakley frames and 8 Oakleys are ballistic rated.</p> <p>9 Q. When you used the term ballistic rated, is that 10 the equivalent of saying that they meet mil spec?</p> <p>11 A. Yes, sir.</p> <p>12 Q. With regard to the first two rounds that you 13 fired that day, Mr. Batts, did you notice the head stamp 14 on either or both of those rounds before firing them?</p> <p>15 A. No, sir.</p> <p>16 Q. Did you notice -- excuse me. Did you notice 17 the head stamp on either of those rounds after you fired 18 them?</p> <p>19 A. No, sir.</p> <p>20 Q. And with regard to both rounds, because I know 21 we have video of the second one, but with regard to both 22 of the first two rounds did you take the spent casing 23 and put it into the gray ammo box with you on the day of 24 the incident?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 80</p> <p>1 were you shooting at?</p> <p>2 A. I was full a -- shooting at a full silhouette.</p> <p>3 Q. And through the scope did you see the round hit 4 the silhouette?</p> <p>5 A. I fired one round. I fired the first round at 6 a distance of 75 yards and waited for the range to go 7 cold. Went, inspected the target. I saw the round of 8 impact had burned behind the target but there was no 9 mark on the paper.</p> <p>10 So at that point I moved the target to 11 seven yards so that I wouldn't waste ammunition all day 12 and fired the second and third rounds at seven yards.</p> <p>13 Q. At how many yards?</p> <p>14 A. Seven. Seven.</p> <p>15 Q. Seven?</p> <p>16 A. Yes.</p> <p>17 Q. Seven rounds? Seven rounds, okay.</p> <p>18 A. So that way I could --</p> <p>19 Q. 21 feet?</p> <p>20 A. Yes, sir. So I could get it on a --</p> <p>21 Q. Okay.</p> <p>22 A. -- get it on paper and then move back later.</p> <p>23 Q. Okay. But the first round you fired at 24 75 yards?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. With regard to the incident round did you 2 notice the head stamp on that round?</p> <p>3 A. No, sir.</p> <p>4 Q. You removed the round within what I'm going to 5 call seconds of the incident and took it with you to the 6 hosp -- to the medical center you said, correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. I know that -- I know that under circumstances 9 you probably, you know, you probably didn't but I got to 10 ask.</p> <p>11 During the time that you -- from the time 12 you removed it from your eye until the time you put it 13 onto this tray, this metal tray next to you in the 14 hospital, in the medical center, did you look at the 15 head stamp on the round?</p> <p>16 A. No, sir.</p> <p>17 Q. The first two rounds you fired that day fired 18 what you perceived to be normally?</p> <p>19 A. Yes, sir.</p> <p>20 Q. I know you had a scope on the rifle, sir. I 21 did not see in the video any spotting scope; is that 22 correct?</p> <p>23 A. That is correct.</p> <p>24 Q. Okay. Did you notice the first two rounds -- 25 well, first of all, let me back up. What sort of target</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. With regard to the second round that you fired 2 at the target seven yards away did you see through the 3 scope the round hit the target?</p> <p>4 A. Yes. And I made adjustments after the strike 5 of that round before firing the third.</p> <p>6 Q. Prior to the day of this accident have you ever 7 video recorded your firing any firearms?</p> <p>8 A. Yes, sir.</p> <p>9 Q. For what purpose?</p> <p>10 A. So that when I get older I could go back and 11 watch them.</p> <p>12 Q. Okay. So do you have a -- what I call a 13 collection of videos of you firing other firearms?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Do you still video record yourself firing 16 firearms?</p> <p>17 A. Yes, sir.</p> <p>18 MR. CHANEY: (Sneeze) Excuse me.</p> <p>19 MR. DANEKAS: Bless you.</p> <p>20 MR. CHANEY: Thank you.</p> <p>21 MR. DANEKAS: Mitch, let's -- I hope you 22 have them in the order, I guess. Let's mark some of the 23 still photos from the video for Mr. Batts.</p> <p>24 MR. CHANEY: I think the first one I have 25 that's a still photo would be number four.</p>

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<p style="text-align: right;">Page 82</p> <p>1 MR. DANEKAS: Yeah. When I -- I -- I -- 2 when I sent them to you I put numbers in front of them. 3 I don't know if you have them that way or not. 4 MR. CHANEY: I do. 5 MR. DANEKAS: Four through 20, I'll go 6 through this for now. Four through 15, we don't need to 7 use 16 through 20. 8 MR. CHANEY: Okay. Let's go off the record 9 for a moment. 10 MR. DANEKAS: Okay. 11 THE VIDEOGRAPHER: Off the record at 2:16. 12 (Break taken from 2:16 p.m. to 2:26 p.m.) 13 THE VIDEOGRAPHER: We are back on at 2:26. 14 Q. (BY MR. DANEKAS) And, Mr. Batts, I think we 15 can wrap this up, we're pretty close on time here. 16 With regard to the day of the incident, 17 when you left your residence to go to the base that 18 morning, what firearms did you take with you? 19 A. My M1A and the H&R rifle. 20 Q. So the M1A that we saw you shooting on the 21 other video that was produced to us, that was your own 22 personal rifle? 23 A. Yes, sir. 24 Q. And it's -- I presume that the case that you 25 described earlier to us that you saw after you were</p>	<p style="text-align: right;">Page 84</p> <p>1 A. Yes, sir. 2 Q. How did you transport the M1A to the range, to 3 the base? 4 A. In the same rifle case. It's got a divider so 5 you could carry two weapons in it. 6 Q. I see. When you got home after you were 7 discharged from the medical center, was the M1A in the 8 gun case also? 9 A. Yes, sir. 10 Q. Was there any 308 ammunition present when you 11 got home from the medical center and attended to the 12 rifles? 13 A. No, sir. 14 Q. So after -- well, how was it you took the two 15 ammo boxes to the base? Did you put them in any other 16 container or just put the actual plastic ammo boxes into 17 your truck? 18 A. I put them into my truck and then carried them 19 with the bag. 20 Q. When you said the bag, you mean the gun case? 21 A. The gun case, yes, sir. 22 Q. Okay. Okay. I just wanted to make sure. That 23 was the only case or bag that you took with you that 24 morning? 25 A. Yes, sir.</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. Now had you -- before you removed the H&R rifle 2 from your gun safe that morning until you put it into 3 the gun case to transport, did you open the action of 4 that rifle? 5 A. No, sir. 6 Q. Now you have said that you also took two -- two 5 separate plastic ammo boxes to the -- to -- with you 6 that day, correct? 7 A. Yes, sir. 8 Q. Both of them were at your house or your 9 residence and then you took them out of your residence 10 that morning and took them to the base? 11 A. Yes, sir. 12 Q. And you put all -- I believe you said all 20 13 rounds of the 300 Blackout ammunition into one ammo 14 case? 15 A. Yes, sir. 16 Q. Did you put anything else in that ammo case 17 other than the 20 rounds of 300 Blackout? 18 A. Not that I remember. 19 Q. From looking at the videos -- and we'll get to 20 this in a couple of minutes. It looks like those ammo 21 cases were ammo cases that would hold 50 rounds. Does 22 that sound right? Or is that -- or is that right? 23 A. Most likely that's correct. 24 Q. And then you had another ammo box where you put 25 the 308 rounds for your M1A, correct?</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Now had you -- before you removed the H&R rifle 2 from your gun safe that morning until you put it into 3 the gun case to transport, did you open the action of 4 that rifle? 5 A. No, sir. 6 Q. When you are bringing a firearm or taking a 7 firearm out of storage is it your custom and practice to 8 open the action to confirm that the firearm was not 9 loaded? 10 A. It depends. 11 Q. Depends on what? 12 A. It depends on the last time that I had used 13 that rifle. And on certain rifles I have chamber 14 indicators to know that they are empty. 15 And since that rifle had never been to the 16 range and never been fired I did not check that rifle 17 when it came out. 18 But the M1A had been and I checked that 19 rifle when it came out. 20 Q. Did you assume that the H&R rifle was not 21 loaded? 22 A. Yes, sir. 23 Q. So after you attended to your Army-related 24 duties, you then went to this range to fire your two 25 rifles, right?</p>

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1 A. That's correct, sir.	1 Q. When did you do that?
2 Q. And was this a range that was open to Army	2 A. It was the day of the incident, I believe it
3 personnel and civilians both?	3 was right before I shot the rifle.
4 A. Yes, sir.	4 Q. So it was at the range you did that?
5 Q. When you got to the range that morning or that	5 A. Yes, sir.
6 day, did you know of any other people who were there at	6 Q. Before loading the first round into the chamber
7 the range?	7 had you opened the rifle at any time since you had
8 A. No, sir.	8 gotten to the range?
9 Q. How many other people were at the range?	9 A. Yes, sir.
10 A. There were several people that came and went as	10 Q. When?
11 I was there but on average there were about five people	11 A. Just prior to getting ready to fire, to make
12 at any given time.	12 sure that there was nothing obstructing the bore and --
13 Q. All right. And when you took the gun case out	13 or any of the internal mechanisms.
14 of the truck, the gun case obviously had both of your	14 Q. Did you -- did you close the rifle then before
15 rifles in it, correct?	15 you loaded the first round?
16 A. Yes, sir.	16 A. I don't remember.
17 Q. Did you take both boxes, plastic boxes of	17 Q. You obviously needed to have it open to load
18 ammunition out of your truck at the same time?	18 the first round, right?
19 A. Yes, sir.	19 A. Yes, sir.
20 Q. You then walked into the shooting area at some	20 Q. And then you closed it?
21 point?	21 A. I can't remember if it was left open while we
22 A. Yes, sir.	22 went down and put targets up and then closed -- then
23 Q. You fired the M1A first?	23 loaded. Or if I closed it and then went and put targets
24 A. Yes, sir.	24 up and came back and loaded it.
25 Q. You used the box of ammunition for the 308 that	25 Q. When you said we went down to put up -- put
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1 was used on the M1A first?	1 targets up, was there someone else with you?
2 A. Yes, sir.	2 A. Everybody on the range has to go down at the
3 Q. You put that box of ammunition on what we have	3 same time.
4 called the table?	4 Q. Got it. So when people at a range go down
5 A. Yes, sir.	5 range to set up targets a typical range rule is to have
6 Q. Correct? You video recorded some of your	6 actions on all firearms open, correct?
7 shooting with the M1A, correct?	7 A. Yes, sir.
8 A. Yes, sir.	8 Q. And when you loaded the first round into the
9 Q. When you were firing the 1 -- the M1A, where	9 rifle you then closed it, correct?
10 was the box of the 300 Blackout ammunition?	10 A. Yes, sir.
11 A. I do not know. I don't remember.	11 Q. When you closed it did you hear a click?
12 Q. You then completed firing the 1 -- the M1A and	12 A. Yes, sir.
13 did you put that rifle then back into the case before	13 Q. When you closed it after you loaded the second
14 you removed the H&R rifle?	14 round did you hear a click?
15 A. Yes, sir.	15 A. Yes, sir.
16 Q. You then removed the H&R rifle from the case	16 Q. When you closed it on the incident round, did
17 and brought it over to the shooting area, correct?	17 you hear a click?
18 A. Yes, sir. It was underneath the table, the	18 A. Yes, sir.
19 case was underneath the table.	19 Q. Was the tactile sensation upon closing the
20 Q. Okay. There was a bipod on the H&R rifle,	20 rifle any different on any of the three times you closed
21 correct?	21 the rifle?
22 A. Yes, sir.	22 A. No, sir.
23 Q. And was that with the rifle when you bought the	23 Q. So the tac -- what you felt from a tactile
24 rifle or did you put it on later?	24 sensation was the same when you closed it on the first
25 A. No, I put it on, sir.	25 round, as it was on the second round, as it was on the

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<p style="text-align: right;">Page 90</p> <p>1 incident round?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And I think you told us earlier that at no time</p> <p>4 did you look at or examine the case head stamp on any of</p> <p>5 those three rounds as you loaded the rounds into the</p> <p>6 rifle; is that correct?</p> <p>7 A. That is correct, I did not look at the head</p> <p>8 stamp.</p> <p>9 Q. Okay. The video -- and we can -- I don't need</p> <p>10 to but if you want to look at it that's -- that's fine.</p> <p>11 But the video, Mr. Batts, indicates that</p> <p>12 after you fired the second round, which is the first one</p> <p>13 on the video, that you removed that spent case from the</p> <p>14 rifle and put it into the ammo case; is that correct?</p> <p>15 A. I believe so, yes, sir.</p> <p>16 Q. And did you do the same with the first round</p> <p>17 that you fired?</p> <p>18 A. Yes, sir.</p> <p>19 Q. So at the time you fired the incident round</p> <p>20 there -- there would have been two spent cartridge cases</p> <p>21 in that ammo box?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And before you started shooting you had removed</p> <p>24 some rounds from the ammo box and put them on the table?</p> <p>25 A. I believe so, yes, sir.</p>	<p style="text-align: right;">Page 92</p> <p>1 Do you agree with that or do you -- or not?</p> <p>2 A. I can't tell if the spent cases are actually</p> <p>3 300 Blackout rounds or if they're spent cases. But they</p> <p>4 wouldn't be out of the realm of possibility to be spent</p> <p>5 casings.</p> <p>6 Q. Okay. Now on this photo it looks like there</p> <p>7 are rounds, live rounds on the -- towards the left end</p> <p>8 of the box as you are looking at this photo.</p> <p>9 There appears to be rounds in at least the</p> <p>10 first three rows if you are going left to right, the</p> <p>11 first three rows of slots in the box. Do you see that?</p> <p>12 A. Yes, sir.</p> <p>13 (Exhibit No. 5 was marked.)</p> <p>14 Q. (BY MR. DANEKAS) Let's go to the next exhibit</p> <p>15 which is 5. This is a still photo, somewhat of an</p> <p>16 enlargement from the M1A video. And in watching that</p> <p>17 video, Mr. Batts, it looked like you had the ammo box on</p> <p>18 your left side. Do you remember that being the case?</p> <p>19 A. No, I -- I don't know, sir. I wouldn't be</p> <p>20 surprised. I mean, things get moved around while you're</p> <p>21 shooting.</p> <p>22 Q. Okay. Well, can you tell from looking at</p> <p>23 Exhibit 4 and 5 together whether we're looking at the</p> <p>24 same ammo box or a different ammo box?</p> <p>25 A. I can't tell. It could be. It could be the</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. Let's go through the photographs quickly that</p> <p>2 are in front of you.</p> <p>3 (Exhibit No. 4 was marked.)</p> <p>4 Q. (BY MR. DANEKAS) Exhibit 4, I'm going to</p> <p>5 represent to you, sir, is a still photo and an</p> <p>6 enlargement from the video involving the H&R rifle. You</p> <p>7 will see -- I'm going to call it the H&R video as</p> <p>8 opposed to the M1A video. Okay?</p> <p>9 A. Yes, sir.</p> <p>10 Q. By the way, have you reviewed the video of the</p> <p>11 M1A's firing recently?</p> <p>12 A. No, sir.</p> <p>13 Q. The video of the H&R shooting, where you are</p> <p>14 shooting of the H&R rifle, the video shows that the ammo</p> <p>15 box was on your right side, correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And Exhibit 4, as I said, is a still photo and</p> <p>18 an enlargement of the ammo box from that H&R video. It</p> <p>19 appears to me and, you know, if you differ just tell me</p> <p>20 that you do.</p> <p>21 But it appears to me that on the left side</p> <p>22 of that ammo box there are live rounds with the bullet</p> <p>23 pointing downward.</p> <p>24 And on the right side of the box there</p> <p>25 appears to be a number of what appear to be spent cases.</p>	<p style="text-align: right;">Page 93</p> <p>1 same, it could be different ones.</p> <p>2 Q. All right.</p> <p>3 (Exhibit No. 6 was marked.)</p> <p>4 Q. (BY MR. DANEKAS) Let's look at Exhibit 6.</p> <p>5 This is the -- again from the H&R video, a still photo</p> <p>6 of your removing the second round you fired of the first</p> <p>7 one that was recorded.</p> <p>8 And on the table to your right appears to</p> <p>9 be that -- what I see to be three rounds in front of</p> <p>10 that bottle. Do you see that?</p> <p>11 A. Yes, sir.</p> <p>12 Q. I see -- I see one round sort of pointing left</p> <p>13 to right, one round sort of pointing right to left and</p> <p>14 then I see the -- what appears to be a case head for a</p> <p>15 third round. Do you see all of that?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And I know that you have got a paper copy, I</p> <p>18 have got a digital copy which gives me an advantage I</p> <p>19 guess. And in enlarging that, there appears to be</p> <p>20 maybe -- or there does appear to be yet a fourth round</p> <p>21 lying on the table with those other three.</p> <p>22 So that would be -- that is consistent with</p> <p>23 what your practice was, is to take a few rounds out of</p> <p>24 the ammo box, put it on the table for ease of handling,</p> <p>25 correct?</p>

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<p style="text-align: right;">Page 94</p> <p>1 A. Yes, sir.</p> <p>2 Q. The bottle behind those rounds, is that your</p> <p>3 bottle?</p> <p>4 A. Yes, sir.</p> <p>5 Q. What is that?</p> <p>6 A. That's CLP.</p> <p>7 Q. I'm sorry?</p> <p>8 A. Military-issued lubricant for firearms.</p> <p>9 Q. Okay. Had you used any of that lubricant on</p> <p>10 the H&R rifle that day?</p> <p>11 A. No, sir.</p> <p>12 (Exhibit No. 7 was marked.)</p> <p>13 Q. (BY MR. DANEKAS) Okay. Exhibit 7 is a photo</p> <p>14 of -- a still photo from the GoPro video, the H&R video.</p> <p>15 That was -- that was after your incident. You are no</p> <p>16 longer in the picture. There's a gentleman there in</p> <p>17 civilian clothing. Do you recognize him?</p> <p>18 A. No, sir.</p> <p>19 Q. Has anybody ever contacted you since the</p> <p>20 accident, Mr. Batts, and said something to the effect of</p> <p>21 how are you doing, I was at the range when this</p> <p>22 happened?</p> <p>23 A. No, sir.</p> <p>24 Q. Nobody has ever identified to you or told you</p> <p>25 that they were there when this happened?</p>	<p style="text-align: right;">Page 96</p> <p>1 ammo box on the right side, upper right-hand corner. Do</p> <p>2 you know what else we're seeing there in that photo?</p> <p>3 A. No. I would speculate it's probably his</p> <p>4 jacket.</p> <p>5 Q. It does kind of look like his jacket but I</p> <p>6 wasn't sure. But that's as good a guess as any.</p> <p>7 What -- what do you have the -- what did you have the</p> <p>8 GoPro on, a tripod?</p> <p>9 A. No. It was a flat base.</p> <p>10 Q. You mentioned earlier that you are missing some</p> <p>11 parts or accessories from your GoPro. What are you</p> <p>12 missing?</p> <p>13 A. The extensions to bring the height of the GoPro</p> <p>14 up or down. It has little additions that you can add</p> <p>15 to -- little segments you can add.</p> <p>16 Q. And that was attached to the GoPro at the time?</p> <p>17 A. No. It was with my other things at the range,</p> <p>18 though.</p> <p>19 Q. All right. What other things do you have at</p> <p>20 the range?</p> <p>21 A. I had cleaning equipment for my M1A. I had the</p> <p>22 lubricant, my hearing protection. And that's all I know</p> <p>23 for sure that I had there.</p> <p>24 Q. I saw you used the cleaning equipment, it was</p> <p>25 on the M1A. That looked like a bore snake, right?</p>
<p style="text-align: right;">Page 95</p> <p>1 A. No, sir.</p> <p>2 Q. Have -- since the accident have you used it,</p> <p>3 this specific range again?</p> <p>4 A. No, sir.</p> <p>5 MR. CHANEY: The next one.</p> <p>6 (Exhibit No. 8 was marked.)</p> <p>7 Q. (BY MR. DANEKAS) Exhibit 8 is another photo of</p> <p>8 this gentleman more directly on -- a direct view of his</p> <p>9 face. Again, you don't know who he is, correct?</p> <p>10 A. No, sir. It was a civilian, I don't know who</p> <p>11 he is.</p> <p>12 Q. Okay.</p> <p>13 (Exhibit Nos. 9-10 were marked.)</p> <p>14 Q. (BY MR. DANEKAS) This is a -- Exhibit 9, it's</p> <p>15 another still photo from the H&R video. This one a</p> <p>16 little bit later on the tape.</p> <p>17 And it appears to be after this gentleman</p> <p>18 has picked up your GoPro camera. And it shows the ammo</p> <p>19 box now closed by the divider between the areas here,</p> <p>20 the divider labeled 10 there. Do you see the ammo box</p> <p>21 in the foreground?</p> <p>22 A. Yes, sir.</p> <p>23 (Exhibit No. 11 was marked.)</p> <p>24 Q. (BY MR. DANEKAS) Exhibit 11 is another still</p> <p>25 photo from the -- taken from the H&R video. It shows an</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Yes, sir.</p> <p>2 THE REPORTER: Looked like a what?</p> <p>3 Q. (BY MR. DANEKAS) Did you have any other --</p> <p>4 THE WITNESS: A bore snake.</p> <p>5 MR. DANEKAS: A bore b-o-r-e snake</p> <p>6 s-n-a-k-e.</p> <p>7 THE REPORTER: Thank you.</p> <p>8 Q. (BY MR. DANEKAS) Did you have any other</p> <p>9 cleaning equipment for the M1A there other than the bore</p> <p>10 snake?</p> <p>11 A. Not that I recall. I did have a letterman</p> <p>12 there for sight adjustments for the scope.</p> <p>13 Q. And is that missing?</p> <p>14 A. I -- I honestly don't know if that -- I have</p> <p>15 several and I don't know if -- I don't remember.</p> <p>16 Q. What did you take this other equipment -- how</p> <p>17 did you transport that to the base and then over to the</p> <p>18 shooting area?</p> <p>19 A. Inside the pocket of the shooting bag.</p> <p>20 Q. Again, you are referring to the gun case?</p> <p>21 A. Yeah -- I'm sorry. Yes, the gun case.</p> <p>22 Q. That's understood. I just want to make sure</p> <p>23 we're on the same page. There was only one case or bag</p> <p>24 with you that day?</p> <p>25 A. That is correct.</p>

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<p style="text-align: right;">Page 98</p> <p>1 Q. And that was the one where you had -- that was 2 the one where it would fit both of the rifles?</p> <p>3 A. That is correct. There was only one bag with 4 me and I have referred to it as the gun case or the bag. 5 It's the same actual physical item.</p> <p>6 Q. Got it. On Exhibit 11 this is a still photo 7 from the M1A video. That's you in the photo, right?</p> <p>8 A. That is correct, sir.</p> <p>9 Q. And the ammo box that you are using, at least 10 the ammo box you are using at that time was to your 11 left. And from the video -- this is a still photo, but 12 from the video it looks like you were counting rounds in 13 the box. Do you remember doing that?</p> <p>14 A. No, sir.</p> <p>15 (Exhibit No. 12 was marked.)</p> <p>16 Q. (BY MR. DANEKAS) Exhibit 12 is a still photo 17 from right after you had finished shooting the M1A. And 18 that's you on -- that's part of you anyway on the left 19 side of the photo?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And there's a photo that shows that you were -- 22 that you're shooting -- the spot was number 10 --</p> <p>23 A. Yes, sir.</p> <p>24 Q. -- labeled there on the left side?</p> <p>25 A. That is correct.</p>	<p style="text-align: right;">Page 100</p> <p>1 this is the ammo box from the H&R video that's by that 2 sign that says 10 that we saw in the other photo.</p> <p>3 Exhibit 4, is -- is that the 300 Blackout 4 ammo box?</p> <p>5 A. No, sir. This -- that's got 308 ammunition in 6 it.</p> <p>7 Q. Okay. So do we ever see the 300 Blackout ammo 8 box in any -- of either of the videos?</p> <p>9 A. No, I don't see it in any of the --</p> <p>10 MR. MEADOR: His question was in the 11 videos. You are looking at the exhibits.</p> <p>12 A. Oh, no, because -- no, sir.</p> <p>13 Q. (BY MR. DANEKAS) And we can look at the videos 14 if you want. I -- that's fine with me. But I have 15 watched both videos and there's an ammo box to your 16 right on the H&R video and to your left on the M1A 17 video. And they appear to be the same ammo box.</p> <p>18 My question to you is -- you have seen both 19 videos and if you want to see them again it -- it's fine 20 with me. But in either of the videos do we see the ammo 21 box with the 300 Blackout ammunition?</p> <p>22 A. No, sir.</p> <p>23 Q. Okay. We know that you had 300 Blackout 24 ammunition lying on the table while you were firing the 25 H&R. And we know that you took at least the second</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. Right?</p> <p>2 A. That is correct, sir.</p> <p>3 Q. Okay. And then we see the ammo box off to your 4 left. Do you see that there?</p> <p>5 A. Yes, sir.</p> <p>6 (Exhibit Nos. 13-15 were marked.)</p> <p>7 Q. (BY MR. DANEKAS) And then Exhibit 13 is you're 8 handling the ammo box, it looks like you have now turned 9 it toward the camera; do you see that?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Does it appear to you that that ammo box has 12 some live rounds on the left end of it and some spent 13 rounds on the right end of it?</p> <p>14 A. Yes, sir.</p> <p>15 Q. How many rounds of 308 ammunition did you take 16 with you that day?</p> <p>17 A. At least 40.</p> <p>18 Q. So is this ammo box that you are handling in 19 Exhibit 13, is that an ammo box with 308 ammunition?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Or 300 -- or is it -- is there any 300 Blackout 22 in that box?</p> <p>23 A. Not that I see in the picture.</p> <p>24 Q. Okay. Keep 13 off to one side and then go back 25 to Exhibit 4, which is the ammo box up against the --</p>	<p style="text-align: right;">Page 101</p> <p>1 round that was fired, the first one on video, and put 2 the spent case into the ammo box that was with you.</p> <p>3 Is it your testimony that you took the 4 300 Blackout spent case and put it into the ammo box 5 with the 308 ammunition?</p> <p>6 A. Yes. Yes.</p> <p>7 Q. When you were shooting the 300 Blackout H&R 8 rifle, where was the ammo box with the 300 Blackout 9 ammunition?</p> <p>10 A. It must have been still on the rifle bag, the 11 gun case below the table.</p> <p>12 Q. So in looking at the photo that's marked as 13 Exhibit 4 it's your testimony that that is the 308 ammo 14 box and the ammunition, the live ammunition displayed in 15 that ammo box is 308 ammunition?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. Was the recoil from the first round you 18 fired that's not on the video and the second round you 19 fired which is on the video, is the recoil to your 20 recollection the same as -- for each round?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And I know you may not remember this one way or 23 the other, but I want to ask you.</p> <p>24 With regard to the incident round, the 25 round that came out and struck you in the eye, was the</p>

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<p style="text-align: right;">Page 102</p> <p>1 recoil on that round any different than the recoil from 2 the first two rounds if you can tell?</p> <p>3 A. I couldn't tell.</p> <p>4 Q. Okay. I would be surprised if you could, but I 5 needed to ask.</p> <p>6 A. Yes, sir.</p> <p>7 Q. Was the sound from the third round that you 8 fired, the incident round, any different to your 9 recollection from the first two rounds or do you not 10 know?</p> <p>11 A. I don't know. It -- as soon as I pulled the 12 trigger everything just -- it just --</p> <p>13 Q. I understand.</p> <p>14 A. -- scrambled.</p> <p>15 Q. Mr. Batts, with regard to medical treatment 16 that you received as a result of this incident -- first 17 of all, let me ask you when is the last time that you 18 received any medical treatment for your injuries from 19 this incident?</p> <p>20 A. Can you define the question? Because I have -- 21 I'm in the process of getting another prosthesis for it.</p> <p>22 Q. Sure. Sure.</p> <p>23 A. Plus I have upcoming appointments for an 24 additional surgery.</p> <p>25 Q. Okay. And thank you for clarifying that.</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Okay. Go ahead. Go ahead, take your time to 2 look at it. And I wasn't sure which one was listed 3 there.</p> <p>4 A. It's the -- give me just one second, sir.</p> <p>5 Q. Sure.</p> <p>6 A. Oc -- James Merritt, The Third, Ocular -- I 7 can't talk. Oculoplastic Associate -- Associates of 8 Texas.</p> <p>9 Q. Okay. While you are on that answer to 10 interrogatory, I'll ask you to look -- and you don't 11 need to read them out loud, but look at all the medical 12 providers listed under Interrogatory 6.</p> <p>13 And tell me if there are any other medical 14 providers you have seen besides those listed there and 15 seen for your eye. I'm not talking about general.</p> <p>16 A. Nothing stands out to me, sir. But that's a 17 lot of people and I think that is correct.</p> <p>18 Q. Okay. All right. Do you have any 19 understanding of when this surgery that you just 20 described will occur?</p> <p>21 A. I have to meet with the -- I have -- I'm two 22 referrals away from talking to the surgeon. So it's 23 going to take a little bit of time for me to get in 24 there.</p> <p>25 Q. Okay. Interrogatory 6, the answer also says</p>
<p style="text-align: right;">Page 103</p> <p>1 Let's put the prosthetic issue aside for the time being. 2 I do want to ask you some questions about that.</p> <p>3 But with regard to what you just mentioned 4 you have I guess plans for an upcoming surgery; is that 5 correct?</p> <p>6 A. Yes, sir. I saw a specialist here in Dallas 7 and he has recommended because of the separation of the 8 repair and the bleeding and tissue that's coming through 9 the -- that suture site, that I'm going to have a skin 10 graft and a repair in the future.</p> <p>11 And I have a follow-up appointment with the 12 VA about that next month.</p> <p>13 Q. Okay. The surgeon that you have seen, is that 14 a surgeon at the VA?</p> <p>15 A. No. The initial one was not. And that's why I 16 have an additional second opinion with the VA. And I'm 17 going to go on with the VA for the medical care.</p> <p>18 Q. Okay.</p> <p>19 A. But it takes a long time to get into -- with 20 the VA so I saw this other surgeon.</p> <p>21 Q. Okay. Who was the other surgeon that you saw?</p> <p>22 A. It's going to be... I'm going to get the name 23 wrong. It's listed in the --</p> <p>24 Q. Is it in the interrogatories?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 105</p> <p>1 when these were done, or answered, your total medical 2 expenses were \$3,105.40. Have most of your medical 3 expenses been taken care of through the Army?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And to your knowledge will that continue to be 6 the case for future medical?</p> <p>7 A. Yes, sir.</p> <p>8 Q. I know you mentioned you still do a lot of 9 shooting. Are there any activities, Mr. Batts, that you 10 are no longer undertaking?</p> <p>11 A. There are quite a few, act- --</p> <p>12 Q. That you -- that you used to engage in before 13 this?</p> <p>14 A. There are quite a few that I either don't do or 15 I have to severely restrict. I used to do cross-country 16 running. But I have problems with depth perception. So 17 I tried before and ended up hurting myself.</p> <p>18 So I have to -- it is restricted where I 19 can do my cross-country running. And I got to be very 20 careful hiking. I was an avid mountain biker and now 21 I'm pretty much restricted to road biking because I 22 can't judge the distances. And the shadows through the 23 trees really mess with my vision.</p> <p>24 I was a competition shooter and I was good 25 enough to rate -- rank in state competitions. And now</p>

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<p style="text-align: right;">Page 106</p> <p>1 that I have had to switch to the left side, I still 2 shoot but I'm nowhere near on the level that I used to 3 be.</p> <p>4 As well as I'm very nervous, when I go to 5 the range it takes me -- I'm not going to let it control 6 me but it takes me a significant amount of time to calm 7 down so that I can, you know, pursue the things that I 8 enjoy doing.</p> <p>9 I can't play -- I can't throw. I can throw 10 but I can't catch. So I can't play with the kids and -- 11 you know, that's like my daughter is having a kid and 12 that's just something I'm not going to be able to do 13 because I can't judge where the distance is.</p> <p>14 It's affected me with -- one of the major 15 things it's affected me is, I did two years overseas in 16 combat zones, Afghanistan and Iraq. And I came back and 17 I didn't have any problems.</p> <p>18 But after this incident I'm severely jumpy 19 and I have really high anxiety and reactions to things. 20 So it's a -- due to the level of stress and anxiety is 21 one of the reasons that I left the railroad and it -- 22 and so it's created problems with working.</p> <p>23 And I'm probably, you know, shortly going 24 to end up leaving the Embassy guard force because I 25 thought if I left the railroad that it would get better</p>	<p style="text-align: right;">Page 108</p> <p>1 avoid places that there are large groups of people that 2 I can't control the surroundings.</p> <p>3 It's also, you know, one of the unfortunate 4 things about the prosthetic is I can rub my eye and it 5 turns it in a certain direction. So I'm walking around 6 all day and people are pointing, they'll go -- they will 7 say something.</p> <p>8 And I have to go look and then I see that 9 the eye is pointing the wrong direction. And there is 10 also discharge from it so I get self-conscious and I'll 11 rub it and -- which causes irritation and bleeding. And 12 it's general problems due to that type situation.</p> <p>13 And it's just very frustrating because I 14 haven't ever been that kind of person. I have always -- 15 it's been easy for me to overcome things.</p> <p>16 And now I'm the person that's struggling 17 with trying to adapt over -- day after day and I 18 didn't -- I initially didn't think it was going to be 19 that big of an adaptation.</p> <p>20 But I didn't understand it. The scope and 21 the magnitude of the actual physical and emotional 22 effects of it. Does -- does that help at all?</p> <p>23 Q. It does. Thank you very much, sir, for that 24 description. With regard to your anxiety, the issues 25 you mentioned, have you -- since the accident have you</p>
<p style="text-align: right;">Page 107</p> <p>1 if I went into something that I know and I have been 2 doing for a long time.</p> <p>3 But the anxiety has still followed. And I 4 have to reduce it or it -- it's starting to cause 5 physiological problems for me. And it's very 6 frustrating because I didn't have that coming back from 7 the wars but then after this it's developed.</p> <p>8 I -- I'm just -- I'm very nervous and 9 afraid all the time that something is going to happen. 10 Something else is going to happen.</p> <p>11 Even though there's a slight possibility -- 12 there still is a possibility that I will lose my left 13 eye due to -- when there are injuries where the body is 14 exposed to the interior of the eye that's damaged, it -- 15 your body will reject the good eye and fight and attack 16 it with your immune system and you go blind.</p> <p>17 So that's things that -- and, you know, and 18 there's nothing I can do about that. I just, you know, 19 it's something I just have to deal with and -- so it 20 bothers me. And just interactions with people.</p> <p>21 I don't like -- I don't like to be around 22 large crowds anymore. I'm always afraid that, you know, 23 something is going to happen to my good eye. It's 24 something that's constantly in -- in my head.</p> <p>25 And it's caused me to avoid situations and</p>	<p style="text-align: right;">Page 109</p> <p>1 consulted with any counselors, therapists, 2 psychologists, psychiatrists at all about the -- what I 3 will call the -- the mental or emotional component to 4 this.</p> <p>5 A. Yes, sir. I met for about -- starting, 6 approximately, a month after the injury until the date 7 that I was discharged I met with the behavioral health 8 clinic at Fort Hood.</p> <p>9 And we discussed coping mechanisms and just 10 processes to get through daily life with -- after this 11 injury has happened. I have used those over -- just 12 since the time that I was discharged from the Army.</p> <p>13 And hoping things were going to get better 14 and they really haven't. And it -- like I said, it has 15 caused problems with the railroad and it's causing 16 problems overseas.</p> <p>17 So I have -- that's part of the 18 appointments I have next month is with the VA Health -- 19 Behavioral Health to -- because I can't do it by myself.</p> <p>20 Q. Have you consulted with any therapist, 21 counselors, psychiatrists, psychologists about the 22 mental or emotional component other than the folks at 23 the Behavioral Health Clinic at Fort Hood?</p> <p>24 A. I have discussed it with one of the counselors 25 at the VA and that's when I decided that I was going to</p>

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<p style="text-align: right;">Page 110</p> <p>1 go ahead and make an appointment for the future.</p> <p>2 Q. Which VA hospital is this?</p> <p>3 A. Fort Worth.</p> <p>4 Q. With regard to your biking activities you're</p> <p>5 referring to bicycling; is that correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. What type of bicycling did you say that</p> <p>8 you used to do that you are no longer doing?</p> <p>9 A. I used to mountain bike.</p> <p>10 Q. I think you said you still do some</p> <p>11 cross-country biking?</p> <p>12 A. I still do -- I ride on the street but I don't</p> <p>13 ride off-road anymore.</p> <p>14 Q. Okay. Have you done any long distance bike</p> <p>15 trips since the accident?</p> <p>16 A. Nothing over 20 miles.</p> <p>17 Q. Let me circle back for -- let me see if I can</p> <p>18 find it. Let me ask you, Mr. Batts, about the Army</p> <p>19 retirement we talked about first, at the beginning of</p> <p>20 your deposition.</p> <p>21 Have you ever had any issues, physical</p> <p>22 issues with your back?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Tell me about those.</p> <p>25 A. Initially, my back was injured in 2006 in Iraq.</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Okay.</p> <p>2 A. -- review board they take a comprehensive look</p> <p>3 at everything that's involved with your medical history.</p> <p>4 And that determines what your compensation</p> <p>5 rates will be afterwards.</p> <p>6 Q. Got it. Did the -- did the review board find</p> <p>7 that you were physically unfit to continue with military</p> <p>8 service because of your eye as well as your -- the</p> <p>9 degenerative disc disease in your back?</p> <p>10 A. I don't believe that it -- I believe it was</p> <p>11 solely on my eye because I would not have been before</p> <p>12 the board -- I have had the disease -- disc degenerative</p> <p>13 disease problem for years.</p> <p>14 But I would never have been before the</p> <p>15 board if it was not because of my eye.</p> <p>16 Q. Have you --</p> <p>17 MR. DANEKAS: Mitch, you can show him</p> <p>18 Exhibit 21.</p> <p>19 (Exhibit No. 21 was marked.)</p> <p>20 MR. MEADOR: If you have an extra copy, I</p> <p>21 would like to have one.</p> <p>22 MR. CHANEY: Okay. Sure. I have handed</p> <p>23 Mr. Batts Exhibit 21.</p> <p>24 MR. DANEKAS: Okay.</p> <p>25 Q. (BY MR. DANEKAS) And, Mr. Batts, this document</p>
<p style="text-align: right;">Page 111</p> <p>1 And throughout my military career I have been treated</p> <p>2 off and on for those problems.</p> <p>3 Q. And part of the -- did part of that issue</p> <p>4 involve sciatica?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And you know -- understand what sciatica is?</p> <p>7 A. Yes, sir.</p> <p>8 Q. It has -- typically associated with pain that</p> <p>9 radiates down the leg?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Do you still have that?</p> <p>12 A. Off and on depending on levels of activity.</p> <p>13 Q. Have you ever had any back surgeries?</p> <p>14 A. No, sir.</p> <p>15 Q. You referred to the -- I just had it --</p> <p>16 medical -- the medical review board in the Army. That</p> <p>17 was the board that medically retired you?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Did I take that down correctly?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Was it your understanding that you were retired</p> <p>22 based solely upon your eye?</p> <p>23 A. Yeah, that is what brought me before the</p> <p>24 medical review board. And once you are in front of the</p> <p>25 medical --</p>	<p style="text-align: right;">Page 113</p> <p>1 was produced by your attorney to us and it's dated</p> <p>2 February 16, 2017. Have you seen this document?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And this -- well, this is a document from</p> <p>5 the -- the medical -- excuse me, the Physical Evaluation</p> <p>6 Board at the Army, at U.S. Army.</p> <p>7 And the first paragraph says the Physical</p> <p>8 Evaluation Board found SSD Samuel J. Batts -- and do you</p> <p>9 know -- do you know what this document should be --</p> <p>10 MR. DANEKAS: Mitch, I didn't notice this.</p> <p>11 This was produced to us with Mr. Batts' social security</p> <p>12 number which I am not going to read into the record.</p> <p>13 And for this exhibit it should be blacked out.</p> <p>14 MR. MEADOR: Yeah, I will redact that and</p> <p>15 make sure that that's copied.</p> <p>16 MR. CHANEY: Yeah, we'll do that before we</p> <p>17 give it to the court reporter.</p> <p>18 MR. DANEKAS: Yeah, I just noticed that.</p> <p>19 We don't want that in the exhibit.</p> <p>20 Q. (BY MR. DANEKAS) In any event, Mr. Batts, the</p> <p>21 first paragraph says the Physical Evaluation Board found</p> <p>22 SSD Samuel J. Batts physically unfit to continue</p> <p>23 military service for the following PEB. That's</p> <p>24 referring to Physical Evaluation Board.</p> <p>25 Referred unfitting conditions. And there's</p>

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<p style="text-align: right;">Page 114</p> <p>1 three listed there: One is ruptured globe status post 2 denucleation right eye. The second is lumbar sacral 3 degenerative disc disease and the third is right 4 sciatica. Did I read that all correctly?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Is it your understanding that the PEB found 7 that you were unfit to continue with military service 8 for these three reasons?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. It's your -- it's your testimony that 11 this would not have been on the board's radar but for 12 your eye injury; is that what you are saying?</p> <p>13 A. That's correct. These are issues that I have 14 successfully dealt with for a number of years prior to 15 going to the board.</p> <p>16 Q. Now part -- part of this exhibit refers to the 17 standards of --</p> <p>18 MR. DANEKAS: Actually, is that just a 19 two-page exhibit, Mitch?</p> <p>20 MR. CHANEY: No, it's multiple pages.</p> <p>21 MR. DANEKAS: Okay.</p> <p>22 MR. MEADOR: It --</p> <p>23 MR. DANEKAS: Yeah, I understand.</p> <p>24 Q. (BY MR. DANEKAS) Part of this exhibit is some 25 portions of Army Regulation 40-501 which is entitled</p>	<p style="text-align: right;">Page 116</p> <p>1 A. I can't remember at this time. I might be able 2 to find out later but I can't remember at this time.</p> <p>3 Q. Were these individuals at the medical center at 4 the base?</p> <p>5 A. I'm trying to remember. I believe they were, 6 that they were at Fort Hood.</p> <p>7 Q. Did you submit anything in writing to request a 8 waiver or was it done orally?</p> <p>9 A. It was done orally. I don't have 10 documentation.</p> <p>11 Q. Are you currently receiving any retirement 12 benefits from the Army?</p> <p>13 A. I'm receiving retirement benefits from the VA, 14 not the Army.</p> <p>15 Q. Okay. Fair enough. What is the amount of the 16 retirement benefit from the VA?</p> <p>17 A. It is currently \$3,200 a month.</p> <p>18 Q. Are you currently receiving any disability 19 benefits from the VA?</p> <p>20 A. That -- that's what that is.</p> <p>21 Q. I see. Are you curr- -- I know that in 22 discovery responses there was mention that your 23 retirement benefit is lower than if you had cont- -- had 24 you completed more years in the service.</p> <p>25 And I also see a document in these</p>
<p style="text-align: right;">Page 115</p> <p>1 Standards of Medical Fitness. Are you familiar with 2 that regulation, Mr. Batts?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Are you aware of any process by which a soldier 5 could seek a waiver of a physical condition that would 6 otherwise be unfitting for that soldier to continue 7 military service?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Did you seek such a waiver?</p> <p>10 A. I attempted to but I was not able to get the -- 11 with the nature of my injury, I was -- the letters of 12 recommendation that I needed they were not willing to 13 write, so.</p> <p>14 Q. Okay. What did you do to attempt to obtain a 15 waiver?</p> <p>16 A. I spoke with the -- with the physician that 17 was in my -- I can't recall the actual title of the 18 individual but my -- basically my caseworker and let 19 them know of my intentions.</p> <p>20 And they told me who I needed to contact 21 for the letters. And I attempted to get those letters 22 and due to the nature of the injury, they didn't feel 23 comfortable writing it.</p> <p>24 Q. Okay. Do you remember the name of either of 25 those individuals?</p>	<p style="text-align: right;">Page 117</p> <p>1 documents that were produced refer to your disability 2 benefit. Is it your understanding that the retirement 3 benefit and the disability benefit is one and the same 4 thing?</p> <p>5 A. No. They are two different components.</p> <p>6 Q. Okay.</p> <p>7 MR. DANEKAS: Mitch, would you show 8 Mr. Batts Exhibit 23, please.</p> <p>9 (Exhibit No. 23 was marked.)</p> <p>10 Q. (BY MR. DANEKAS) Mr. Batts, have you seen what 11 we have marked as Exhibit 23?</p> <p>12 A. Yes.</p> <p>13 Q. And I also noticed that this document has the 14 four last digits of your social and I'm perfectly fine 15 with blacking that out also before it is turned over to 16 the court reporter. It's in two different places.</p> <p>17 It looks like it's in the -- under the 18 caption up top and under the section that said -- has 19 personal claim information. So those two places should 20 be blacked out.</p> <p>21 In any event, Mr. Batts, this letter is 22 dated July 13, 2017 from the VA, and it refers to, as I 23 understand it, a disability benefit or am I not 24 understanding this document?</p> <p>25 A. No. That is correct, sir.</p>

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118 to 121

Page 118	Page 120
<p>1 Q. So I guess to go back to my question, if 2 retirement benefits and disability benefits are two 3 different things, are you receiving both of them or one 4 of them?</p> <p>5 A. I'm receiving disability benefits. I'm 6 ineligible for retirement benefits because I did not 7 meet the required 20 years of service.</p> <p>8 Q. I see. Okay. Then I kind of misunderstood 9 what was said in the discovery responses. Okay. So 10 your current benefits from the VA, regardless of what 11 they're titled, are \$3,181.65 per month?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. It is your understanding that you are 14 not entitled to any retirement benefits because you did 15 not complete enough time in the service to obtain those 16 benefits; is that correct?</p> <p>17 A. That is correct.</p> <p>18 Q. Okay. How much more time would you have 19 needed?</p> <p>20 A. A little over two years.</p> <p>21 Q. From when you left the service or from the date 22 of the accident?</p> <p>23 A. From the date that I left the service.</p> <p>24 Q. Do you know why it was that from the date of 25 your accident November of '15 until you left the service</p>	<p>1 Q. Was this accident with the H&R rifle on your 2 personal time with your personal rifle a 3 service-connected disability?</p> <p>5 A. Yes. Because in the military you do not have 6 your own personal time. You are subject to Uniform Code 7 of Military Justice laws while on duty and off duty.</p> <p>8 And they also -- anything in your favor is 9 all a -- also an on duty or off duty.</p> <p>10 Q. Do you currently have a Facebook page?</p> <p>11 A. No, I do not. I do not believe so. If I do 12 it's been a long time since anything was put on it.</p> <p>13 Q. Okay. Did you at one time have a Facebook 14 page?</p> <p>15 A. Yes, sir.</p> <p>16 Q. When did you first go shooting after the 17 incident?</p> <p>18 A. I forced myself to go to the range, 19 approximately, either two to three months after the 20 accident. I'm not entirely sure.</p> <p>21 Q. How often do you currently go shooting?</p> <p>22 A. At least once a month.</p> <p>23 Q. Who do you usually go with, if anybody?</p> <p>24 A. I usually go with -- I have a friend here in 25 town. I have been traveling a lot lately so a lot of</p>
Page 119	Page 121
<p>1 in -- when was it. When was it? I'm sorry, June of 2 '17?</p> <p>3 A. Yes, sir.</p> <p>4 Q. That's about a little more than a year and a 5 half. Do you know why it was that it took that long 6 for -- from the date of your accident until the time you 7 were retired, medically retired by the board?</p> <p>8 A. Just the sheer number of people coming back 9 from Iraq and Afghanistan that were injured and the 10 number of individuals that could stand on the board.</p> <p>11 Q. Okay. This document indicates that you are 12 considered to be totally and permanently disabled due 13 solely to your service-connected disabilities. Do you 14 see what I'm reading there?</p> <p>15 A. Yes, sir.</p> <p>16 Q. It is your understanding that -- well, let me 17 ask you this. What is your understanding of what the VA 18 is referring there -- referring to there when it speaks 19 of your service-connected disability?</p> <p>20 A. Injuries that happened with -- that occurred 21 during the time of duty. So it excludes any preexisting 22 conditions, injuries that happened before I entered the 23 service.</p> <p>24 It's everything that has taken place from 25 the time that I enlisted until the time that I was</p>	<p>1 the time it's by myself but now that we're back here.</p> <p>2 Q. Who is the friend that goes with you?</p> <p>3 A. My friend, Chris Pearson.</p> <p>4 Q. And where does he live?</p> <p>5 A. He lives in Bedford, Texas.</p> <p>6 Q. How far is it from Dallas/Fort Worth to 7 Nolanville?</p> <p>8 A. Approximately, two and a half hours.</p> <p>9 Q. How long does it take by bike?</p> <p>10 A. I don't know.</p> <p>11 Q. Have you ever biked from Dallas/Fort Worth to 12 Nolanville?</p> <p>13 A. No. That was one of my plans, though.</p> <p>14 Q. Let me circle back on the last -- back to what 15 we have talked about and we'll wrap this up.</p> <p>16 With regard to the ammunition, have you at 17 any time since the accident gone back to any gun show or 18 to the Amon Carter -- is that what it's called?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Amon Carter Center, the facility, to try to 21 track down the folks that sold you this ammunition?</p> <p>22 A. I have been to -- I have been to several gun 23 shows and I -- every time I go I look around and try to 24 identify if -- see if that's the person but I have been 25 unable to.</p>

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122 to 125

<p style="text-align: right;">Page 122</p> <p>1 Q. You have been to several gun shows since the 2 accident?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Have you purchased any ammunition from any gun 5 show since the accident?</p> <p>6 A. No, sir.</p> <p>7 Q. Is there a reason why you have not purchased 8 any ammunition at gun shows since the accident?</p> <p>9 A. Because if something, God forbid, were to 10 happen again, like this time I'm not able to identify 11 that individual, if I purchase it at say a store in town 12 I know exactly who -- it would be a lot easier to give 13 you that store's name.</p> <p>14 Q. Okay. You're pretty experienced with firearms 15 and ammunition. From your perspective do you believe 16 that this ammunition contributed to your accident?</p> <p>17 A. No, I'm not a subject-matter expert. I can't 18 give you the answer on that.</p> <p>19 Q. With regard to the purchase of this ammunition 20 did the people in this booth -- were they wearing any 21 type of uniform shirts that identified their company, 22 shirts that had their names on them, anything like that?</p> <p>23 A. I don't remember.</p> <p>24 Q. You mentioned that you had -- and we talked 25 about this before, you had the polymer tip and the</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. Let me ask you to remove the seven polymer tip 2 rounds from that box and look at the case that's on 3 those.</p> <p>4 A. Yes, sir.</p> <p>5 Q. How many different case heads do you see there?</p> <p>6 A. Two but -- yeah, two.</p> <p>7 Q. One of them says -- two. One of them says 8 Barnes 300 BLK?</p> <p>9 A. No. I don't see that one on here. I --</p> <p>10 Q. Oh, I'm sorry. I think I'm -- I'm sorry, I'm 11 referring -- I think I'm identifying the ones with the 12 hollow point. One of them says CCWCC0 looks like a 1 on 13 the bottom?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Do they still have numbers on them, Mr. Batts, 16 from a -- from a permanent marker?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Look at shell number eight or cartridge eight 19 and cartridge five.</p> <p>20 A. Yes, sir.</p> <p>21 Q. You would agree that those two have different 22 case head stamps, correct?</p> <p>23 A. That is correct.</p> <p>24 Q. With regard to cartridge number five, do you 25 see the stamp that has a circle and then there's four</p>
<p style="text-align: right;">Page 123</p> <p>1 hollow points, I think you used the phrase two lots.</p> <p>2 Did you specifically ask for two different 3 types of bullets for this ammunition?</p> <p>4 A. No. But when they presented it and there were 5 two different kinds, I got both.</p> <p>6 Q. Okay. Believing both of them to be subsonic?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Was it your understanding when you bought this 9 ammunition that this ammunition had been loaded by the 10 people slash the company that you were buying it from?</p> <p>11 A. Yes, sir.</p> <p>12 Q. What did you know about them?</p> <p>13 A. I did not know anything about that company.</p> <p>14 Q. Had -- and I know you don't remember the name 15 of the company now but at the time did you -- at the 16 time did you know the name of them, know the name of the 17 company when you bought the ammo?</p> <p>18 A. No, sir.</p> <p>19 Q. Had you ever to your knowledge dealt with these 20 folks before?</p> <p>21 A. No, sir.</p> <p>22 Q. Did you have any knowledge of how these rounds 23 had been reloaded or what type of quality control or 24 quality checks they had on their ammo?</p> <p>25 A. No, sir.</p>	<p style="text-align: right;">Page 125</p> <p>1 circles inside the circle?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know what that is?</p> <p>4 A. No, sir.</p> <p>5 Q. The fact that rounds five and eight have two 6 different case head stamps, does that suggest to you 7 anything about this ammunition?</p> <p>8 A. That it's reloaded ammunition.</p> <p>9 Q. If you had noticed that these rounds had 10 different case head stamps, would you have gone ahead 11 and fired them on the day of the accident?</p> <p>12 MR. MEADOR: Objection; speculation.</p> <p>13 MR. CHANEY: You can answer.</p> <p>14 (BY MR. DANEKAS) You may answer.</p> <p>15 A. I am not sure. I don't know.</p> <p>16 MR. DANEKAS: Let's go off the record. I 17 think I'm done but let me talk with Mitch and see if he 18 has any short follow-up.</p> <p>19 MR. MEADOR: Yes.</p> <p>20 MR. CHANEY: Before we do that can I just 21 ask a question of clarification. Because -- I'll just 22 ask it out loud. He said --</p> <p>23 MR. MEADOR: Are we on the record?</p> <p>24 MR. CHANEY: Yeah. I just want to know one 25 thing. Mr. Batts said Amon Carter building. I'm just</p>

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		Page 126	Page 128
1	trying to figure out, is that the museum?		1 CHANGES AND SIGNATURE
2	MR. MEADOR: The Amon Carter is an exhibit	2 WITNESS: JON BATT	
3	hall in Fort Worth.	3 DATE: JANUARY 7, 2019	
4	MR. CHANEY: An exhibit hall. Okay. So	4	
5	it's Amon --	5 PAGE LINE CHANGE REASON	
6	MR. MEADOR: Amon Carter --	6	
7	MR. CHANEY: -- Carter Exhibit Hall.	7	
8	MR. MEADOR: That's my belief, that's the	8	
9	name of it.	9	
10	MR. CHANEY: Is that right, where the gun	10	
11	show was?	11	
12	THE WITNESS: It might be Amon Carter-Will	12	
13	Rogers Exhibit Hall.	13	
14	MR. CHANEY: Okay. That's all I wanted to	14	
15	clear up. Thank you. So we'll go off the record.	15	
16	MR. MEADOR: We'll step out and you guys	16	
17	can have the room to speak.	17	
18	MR. CHANEY: Okay.	18	
19	THE VIDEOGRAPHER: We are off the record at	19	
20	3:41.	20	
21	(Break taken from 3:41 p.m. to 3:52 p.m.)	21	
22	THE VIDEOGRAPHER: We are back on at 3:52.	22	
23	MR. MEADOR: We will reserve our questions	23	
24	until the time of trial.	24	
25	MR. CHANEY: Perfect. So I guess we will	25	
		Page 127	Page 129
1	go back off the record.	1 I, JON BATT	1, have read the foregoing
2	THE VIDEOGRAPHER: We are back off at 3:52.	2 deposition and hereby affix my signature that same is	2 true and correct, except as noted above.
3	(Proceedings concluded at 3:52 p.m.)	3	3
4		4	4
5		5	5 JON BATT
6		6	6
7		7	7
8		8	8
9		9	9 No changes made
10		10	10 Amendment sheet(s) attached
11		11	11 JON BATT Vs. REMINGTON ARMS COMPANY, LLC
12		12	12
13		13	13 JOB NO. 283134
14		14	14
15		15	15
16		16	16
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24		24	24
25		25	25

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1 I further certify that pursuant to FRCP No.

2 30(f)(i) that the signature of the deponent:

3 X was requested by the deponent or a party

4 before the completion of the deposition and that the

5 signature is to be returned within 30 days from date of

6 receipt of the transcript. If returned, the attached

7 Changes and Signature Page contains any changes and the

8 reasons therefor;

9 was not requested by the deponent or a party

10 before the completion of the deposition.

11 I further certify that I am neither counsel for,

12 related to, nor employed by any of the parties or

13 attorneys in the action in which this proceeding was

14 taken, and further that I am not financially or

15 otherwise interested in the outcome of the action.

16 Certified to by me this _____ of _____,

17 2019.



21 Christy Cortopassi, Texas CSR 6222

22 Expiration Date: 12/31/2019

23 Firm Registration No. 343

24 U.S. LEGAL SUPPORT, INC.

25 100 Premier Place

5910 N. Central Expressway

Dallas, Texas 75206

214.741.6001

Exhibits	EX 0015 Sgt. Jon Batts 01071 9 3:18	0	2/20/16 45:23 2/6/16 45:21 20 32:16 36:14
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EX 0010 Sgt. Jon Batts 01071 9 3:15	\$	16 82:7 113:2 17 119:2	24/7 17:15 2:16 82:11,12 2:26 82:12,13
EX 0011 Sgt. Jon Batts 01071 9 3:15 95:23,24 98:6	\$20 36:16 \$250 25:10 \$3,105.40 105:2 \$3,181.65 118:11 \$3,200 116:17	1700 6:24 7:12, 16,20	2:26 82:12,13 2A 40:8,10,11, 14
EX 0012 Sgt. Jon Batts 01071 9 3:16 98:15,16	(17th 6:15,16	3
EX 0013 Sgt. Jon Batts 01071 9 3:16 99:7,19	(cough) excuse 22:13	1911 38:1	3 41:3 30 8:21
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